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THE TIMES

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'Wasted time means higher costs'

Taylor orders lawyers to cut the waffle

By Frances Gibb, Legal Correspondent

LONG-WINDED lawyers must curb their verbosity and meet tight trial timetables, or pay the cost of delays, under an initiative launched by the Lord Chief Justice yesterday to shorten civil cases.

Lord Taylor of Gostforth outlined a series of measures signalling the end of the current system in which the pace of civil justice is dictated by lawyers while indulgent judges take a back seat. Instead judges have been told to take tight control of the length of trials, set timetables for proceedings and fix limits on lawyers' speeches and the use of cross-examination.

"Time is money, and wasted time in court means higher charges for litigants and for the taxpayer," Lord Taylor said. "It also means that everyone else in the queue has to wait longer for justice."

Much less time will be spent in oral advocacy and cross-examination, with more emphasis on written argument. "What we are trying to do is to change the whole culture which applies in civil litigation — the whole ethos of it," Lord Taylor said. The Bar Council and the Law Society gave a broad welcome to the proposals.

Lord Taylor said that judges had to be more interventionist, becoming trial managers and ensuring that they had a bigger say in how cases were run. If solicitors and barristers failed to comply with court deadlines, the judge could issue appropriate orders for costs against the side that had dragged its feet.

Lawyers would not be allowed to charge clients for work that had wasted the court's time. In cases of gross inefficiency, individual lawyers might be made personally liable for costs. "In recent years we have been too ready to allow those litigating to dictate the pace at which cases proceed and the number of



Taylor: trying to change culture of civil courts

steps taken to get to trial or final outcome, the settlement." Lord Taylor said that many current judges had suffered as junior barristers from the tyranny of severe judges in the 1950s and 1960s and did not want to be as "nasty to people as those judges were to them". But instead they had become too indulgent, allowing lawyers to go on as long as they liked. "They have got to be much more tight and selective of the amount of material we allow into court and the time for playing about with it."

He hoped that the new policy would result in a more "hands-on" approach by judges and a more business-like approach to litigation by solicitors and the Bar in the conduct of the trial and in the run-up to the trial.

The changes, which stem from recommendations in 1993 of a joint committee of the Bar and Law Society under Hilary Halliwell, QC, have been approved by Lord Mackay of Clashfern, the Lord Chancellor, and by Lord Woolf, who is heading a two-year review of civil court rules and procedures. The main features are:

- Judicial control over cases at each stage leading up to and including the trial.
- To cut the length of advocates' opening and closing

- speeches, cross-examinations and reading from law books.
- Witnesses in most cases to give their main evidence as written statements, not orally, under cross-examination.
- Pre-trial hearings in bigger cases to last more than ten days, with outline arguments to be submitted in advance.
- Strict requirements on each side to get documents to court on time.

The parties to a case also have to try to agree the main issues in advance, and will be under a duty to reduce or eliminate issues requiring expert evidence. Lawyers have been warned that when documents were copied unnecessarily or bound incompetently, the cost will be disallowed.

The direction applies to all cases in the Queen's Bench and Chancery Divisions. Similar directions are to be issued in the Family Division and in the Court of Appeal.

Peter Goldsmith, QC, chairman of the Bar Council, broadly welcomed the proposals. "No barrister wants to be part of a profession which is rightly or wrongly regarded as owing more to the spirit of Dickens than to the Britain of the 1990s," he said.

He added, however, that oral advocacy would continue to play "a vital role" in communicating the litigant's case. "We would be concerned if the new measures prevented a party from having a proper opportunity for putting forward his case."

The Law Society said it welcomed any improvements that would reduce cost and delays in civil litigation "provided justice is not sacrificed". Philip Symcox, chairman of the society's civil litigation committee, said that more judges and court staff might be needed to make the changes work.

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O.J. Simpson with his lawyer Robert Shapiro, prepare for the 'fight of their lives'

Simpson 'killed for control'

FROM GILES WHITTELL IN LOS ANGELES

O.J. SIMPSON killed his ex-wife as the "ultimate act of control" after a 17-year relationship marked by a horrific cycle of abuse, humiliation and apology, the prosecution argued yesterday.

In his opening statement, Deputy District Attorney Christopher Darden told the jury, and a global audience of millions, that Mr Simpson murdered Nicole Brown Simpson last year "for a single reason — a reason almost as old as mankind himself. He killed her out of jealousy."

"He killed her because he couldn't have her," Mr Darden continued, "and if he couldn't have her he didn't want anyone else to have her." As expected, the prosecution launched their bid to convict Mr Simpson of the murders of his ex-wife and her friend, Ronald Goldman,

with a reminder of the defendant's record of violence. Early in his long statement Mr Darden tackled head-on the issue of Mr Simpson's popularity as a former footballer and actor. "He maybe the best running back in the history of the National Football

League," he said. "But it's not the actor who is on trial here today."

Mr Darden claimed that Mr Simpson had a sinister private face. "And that's the face we will expose to you," he told the jury, "the one Nicole Brown encountered almost every day of her adult life, and the last day of her adult life."

This was "the face of a batterer, a wife-beater, an abuser, a controller". Earlier Judge Lance Ito denied a request by Mr Simpson's lawyers to let him address the jury in person as part of the defence's presentation. The judge also denied a request to use a video montage of police collecting evidence at the scene of the killings. Nevertheless, Johnnie Cochran, for the defence, warned prosecutors that they face "the fight of their lives".



Nicole Brown: "abused and humiliated"

Jailed para case forces Howard to review the law on murder

By Nicholas Wood, Michael Evans and Nicholas Watt

MICHAEL HOWARD announced last night that he was reviewing the law on murder as pressure continued for the early release of Private Lee Clegg, the paratrooper jailed for life for killing a joyrider in Belfast in 1990.

The Home Secretary will study the scope for changing the law to enable soldiers and police officers to be charged with manslaughter where they are suspected of using excessive force in carrying out their duties.

John Major also promised the Commons a full review of Clegg's case if there was fresh evidence that cast doubt on his conviction.

Ministers will also study the legal options that could lead to an early release for 26-year-old Clegg, who was sentenced to life imprisonment for the murder of Karen Reilly, 18, a passenger in a car that came under fire from an Army checkpoint.

Mr Major told the Commons that Sir Patrick Mayhew, the Northern Ireland Secretary, would undertake "effectively and with due care" the process by which convicted murderers could be released on licence.

He said: "As for all life-sentence prisoners, there is a process to be gone through before a release date can be set. This will include consultations with the trial judge and with the Lord Chief Justice of Northern Ireland [Sir Brian Hutton], and will take into account the nature of the offence."

The Prime Minister was responding at Question Time to Paddy Ashdown, the Liberal Democrat leader, who said Clegg's life sentence was "shamefully inappropriate", adding: "This is the moment for him to be released under licence and the law changed."

Mr Howard's decision to

review the law of murder followed comments by the law lords who rejected Clegg's appeal last week. They said it would have been fairer if the paratrooper had been found guilty of manslaughter.

Unlike murder, manslaughter does not carry a mandatory life sentence and gives a judge discretion in sentencing. A growing number of Tory MPs and ministers believe that had Clegg been convicted of manslaughter the furor would not have arisen.

Those campaigning for Clegg's release expressed disappointment last night that the Prime Minister's statement offered no hope that the paratrooper would be freed immediately.

Lieutenant-General Sir Napier Crookenden said: "We want him out of prison this week. If we have to produce our new evidence, it could take months before any decision is taken."

Joining the increasing number of influential figures supporting Clegg's case, General Sir John Wilsey, who was General Officer Commanding Northern Ireland from 1990 to 1993 when the incident took place, said he was "extremely sympathetic".

Karen Reilly's family said yesterday they were sickened by the campaign. Her mother, Mary, who lives on the nationalistic Twinbrook estate in West Belfast, said: "It is all very one-sided and Karen's forgotten. We are just sick, and don't want any more of it. No matter what happens, nothing will bring Karen back."

Mickey Ferguson, a Sinn Féin councillor in Twinbrook, said: "People will see that there is one law for the British establishment, one law for British soldiers, one law for the British Government, and another for Irish people, Irish victims and Irish prisoners."

Trevor wins a Whitbread prize treble

The £21,000 Whitbread book of the year award was won last night by the Irish novelist William Trevor, whose *Felicia's Journey*, published by Viking, was selected from five short-listed candidates whittled down from 394 entries.

Trevor, 66, born in Mitchelstown, Co Cork, has had two previous Whitbread successes with *The Children of Dynmouth* (1976) and *Fools of Fortune* (1983).

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Sunday curbs to be eased on pubs and off-licences

By Nicholas Wood, Chief Political Correspondent

JOHN MAJOR opened the door yesterday to all-day Sunday drinking and an end to most restrictions on when off-licences and supermarkets can sell alcohol.

In a sweeping relaxation of "patronising" Sunday licensing, the Prime Minister said the Government would scrap the afternoon break which forces pubs to close between 3pm and 7pm. Soon they will be able to stay open from noon to 10.30pm on Sundays.

Off-licences will be able to trade from 10am to 10.30pm, and supermarkets will be allowed to sell liquor throughout the six hours they can open. Mr Major unveiled the

latest liberalisation of licensing hours in a speech to shopkeepers as he emphasised his determination to press ahead with the assault on red tape.

He also announced an end to 55 other petty restrictions covering areas such as car parking, greyhound betting and charities, and said that the Deregulation Act gave ministers new and quicker ways to cut red tape without having to resort to full-scale legislation.

The relaxation of curbs on Sunday drinking follows the 1988 change in the law that allowed all-day drinking on other days, and the decision last year to allow family

groups containing children aged under 14 to enter pubs. The Home Office will introduce a short Bill before the summer to relax the licensing laws, and ministers expect no serious parliamentary opposition.

Addressing the British Retail Consortium at the Intercontinental Hotel in London, Mr Major said that present laws on Sunday drinking were absurd. "Why can people buy liquor in a shop at noon but not at 11.30 am, or in a pub at 3 o'clock in the afternoon but not at 4 o'clock? Now we have Sunday trading, there is no logic in these regulations. They are old-fashioned, out of date... and they should go."

Wilson in hospital after fall at home

By Jonathan Prynn, Political Reporter

HAROLD WILSON, the former Labour Prime Minister, was being detained in hospital last night after a fall at his Westminster home.

Lord Wilson, 78, was admitted to St Thomas's Hospital in central London on Friday. A hospital spokesman said he was conscious and being kept in for observation. Family members, including his wife Mary, visited him.

Although Lord Wilson's condition was described as satisfactory, he has been in poor health since shortly after he resigned as Prime Minister in 1976. He was twice admitted to hospital last year, but made a full recovery.

Lord Wilson is the last Labour leader to have won a

general election. He was victorious four times between 1964 and 1974, and his sudden decision to step down in favour of James, now Lord Callaghan, stunned the political world.

He was first elected to Parliament in 1945, representing Ormskirk. He became a minister in the Ministry of Works and in 1947, aged 31, became the youngest member of Attlee's Cabinet as President of the Board of Trade.

In 1950 he became MP for Huyton, a seat he held until his resignation from the Commons in 1983. His finest hour came in 1964, when he ended 13 years of Tory rule by becoming the youngest Prime Minister since Lord Rosebery.

Hindley to be hypnotised in search for body

By Kate Alderson

MYRA HINDLEY, the Moors murderer, is to be hypnotised in an attempt to find the body of one of her victims, who was killed 31 years ago.

The Home Office announced the decision yesterday after an hour-long meeting between Michael Forsyth, the Prisons Minister, and Winnie Johnson, the mother of Keith Bennett, who was 12 when he disappeared.

The Government's agreement that Hindley, 52, can be hypnotised marks a big policy U-turn. Mrs Johnson has

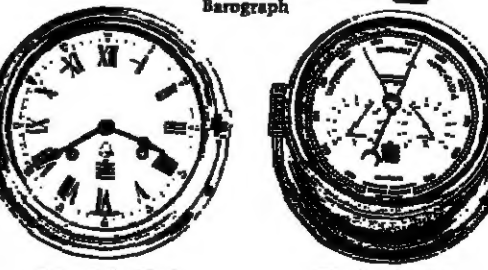
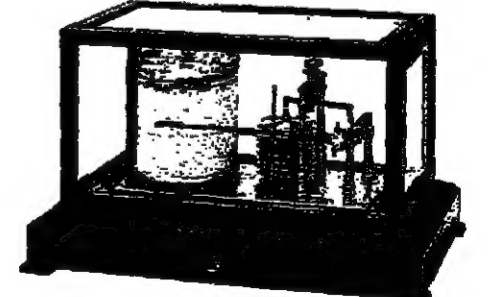
petitioned successive Home Secretaries to agree to the move for years, but all requests were rejected. In 1987 Hindley told Peter Topping, then head of Manchester CID, that she and Ian Brady had killed Keith Bennett and Pauline Reade. Brady was convicted in 1966 of the murders of Lesley Anne Downey, aged 10, Edward Evans, 17, and John Kilbride, 12. Hindley, who has agreed to the hypnosis, was sentenced to life for the murders of Lesley Anne and Edward. Keith Bennett, from Fallowfield, Manchester, went missing in June

1964. After Hindley disclosed that he was one of her victims, Mrs Johnson and two of her sons spent every other Sunday searching Saddleworth Moor, near Oldham, for his body. Her sons continue the search, although she no longer accompanies them.

Yesterday's meeting at the Home Office was the first time Mrs Johnson had been asked to meet a government official. She was given no indication before the meeting that the Home Secretary would agree to her request for Hindley to undergo hypnosis. Mr Forsyth's office simply told her: "It is

to your advantage to come to this meeting." Shortly before Christmas she received a letter which said that Michael Howard, the Home Secretary, would reconsider her request for Hindley to undergo hypnosis. Mrs Johnson, 61, said: "Burying my child would be the beginning of the end for me. It's all I want in the world. Nothing in life will really mean anything to me until I bury Keith in a Christian grave. My family and supporters have kept me going, but there's not a day when I don't wonder where Keith's body is."

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Lions plot ritual skinning of fat cat



Forth: a tie too heinous to be excused as criminal

AGOG with indignation that kids might play truant, Eric Forth, an education minister, told shocked MPs yesterday that "truancy can lead to crime, or worse".

What would be worse? A glance at Mr Forth's tie suggested one atrocity too heinous to be excused by the name "criminal". But we British know another. What could be more sinful than being paid more than us?

"This," whispered an MP excitedly to me, "is the British equivalent of the OJ Simpson trial." We were gathered in committee room 18 to hear the Select Committee on Employment interrogate the chief executive of British Gas, Cedric Harold Brown (CH).

Appetites whetted, press and public crowded around the entrance to stadium 15. The parliamentary lions were within, plotting tactics. Their victim waited without. The call came. The door opened.



POLITICAL SKETCH

fat cat you care to mention) is a matter of public concern.

As in all media trials, prevent publicity had been skillfully engineered. The PM and the Labour leader had clashed on CH earlier. Tony Blair calling it "the boardroom equivalent of the national lottery". Paul Flynn (Lab, Newport West) "an orgy of greed" and John Major retaliating with a new "Labour Will Dock Your Pay" scare.

MPs took it in turn to administer the lash. Each had his or her own style. Harry Greenwood (Con, Ealing North) adopted a Del-boy approach, asking CH if he would have resigned if his salary had been cut "by £5,000". Maybe not. "By

£10,000, then? Or by how much? How much?" The small but dangerous Angela Eagle (Lab, Wallasey) led with a innocent — "how old are you?" — but finished by accusing him of plundering the pensions of his impoverished employees.

The large but amiable David Nicholson (Con, Taunton) was merciful, merely accusing CH of imperilling the free market by giving ammunition to the socialists. David Young (Lab, Bolton SE) told CH his defence that the shareholders decide was a sham. Sir Ralph Howell MP (Con, Norfolk North) rode to Brown's assistance. This is bad news for a chap in trouble. Warren Hawkins (Con, Halesowen & Stourbridge) questioned his competence and Eric Ross (Lab, Dundee West) questioned his virtue.

It is therefore not surprising

that poor Brown finally stumbled. Roused to defend himself, he protested that he'd worked 40 years for British Gas in every kind of job. "I've wielded a pick and shovel." He was proud to say that in this company it was still possible for a fellow "to go from the top to the bottom".

"Don't you mean the other way round?" muttered MPs. Maybe he did, stammered Brown. Or maybe he didn't, he added, seized by candour, Greville Janner, the committee's Labour chairman, put it to him. Percy Mason, style, that he should learn to handle things differently. Mr Janner, author of *The Complete Speechmaker*, founded a company called EPS (Effective Presentational Skills) and has lectured on pay and presentation. Alas, Mr Brown was busy with his pick and shovel at the time.

Animal welfare campaigners vowed yesterday to continue their protests against the export of veal calves despite government claims to have won broad support in Europe for more humane rearing methods. Jerry Lloyd, of the RSPCA, said: "We are still left with the live transport problem. The only answer is an eight-hour limit on livestock journeys and a carcass-only meat trade."

Police forces will not have enough money to maintain services next year, according to the Association of Chief Police Officers. Under the new government funding formula, manpower shortages of at least 1,700 officers would lead to street patrols being cut back. Of the 43 forces in England and Wales, four would be able to improve services — the 22 would be worse off.

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Labour wants power returned to councils

Labour would hand more powers back to local authorities, make it easier to vote, use cash from the sale of council houses and allow councils to sell goods and services to the public, according to a consultation paper published today. Frank Dobson, Labour's environment spokesman, said that, under the party's planned reform of local government, the aim was to hold annual elections to all councils for a third or a quarter of all seats and to increase the turnout from the present 30 per cent through a national registration drive. The paper suggests that the Government should be allowed to use takings from the sale of council houses to fund a new housing programme.

Police cuts predicted

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Fight for calves 'goes on'

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Graduates in debt

Eight out of ten graduates start work owing an average of more than £2,200, with males owing £600 more than women, according to a survey commissioned by Barclays Bank. More than half of the 886 graduates surveyed after gaining a degree last summer had not found the job they wanted, with many taking "stop-gap" positions to help to pay off debts. One in five was unemployed.

Palace suicide threat

Two policemen overpowered a man doused in petrol outside Buckingham Palace as he threatened to set himself on fire early yesterday. The 49-year-old was grabbed by PC Trevor Vince and PC Malcolm Fielder as he waved a cigarette lighter above his head. The man, who has not been named, was detained for questioning under the Mental Health Act but later released.

Murder motives sought

Police are trying to discover the motives behind the murders of a car salesman and his employer. Paul Sandham, 24, and Antonio Marrocco, 45, who was born in Italy, were attacked at Mr Marrocco's garage on an industrial estate at Morecambe, Lancashire, on Monday evening. Police said they were "respectable men".

Cash plea for sick boy

Julie and Daniel Wydermann, of Ealing, west London, whose son Joshua, 18 months, has Menkes' syndrome, a progressive blood condition, are appealing for public help to raise money for specialist treatment. They want to bring Professor John Menkes, the doctor who discovered the condition in 1962 from California to advise them.

Bypass damages award

Jacqueline Harris, 52, of Hallington, Lincolnshire, who bought a cottage from a councillor who knew of plans to build a bypass near by, was yesterday awarded £63,516 damages by Lincoln High Court against Marshall Dale, his wife Jeanette, a family pension fund, East Lindsey District Council and Lincolnshire County Council.

Road plan delayed

Anti-roads protesters yesterday delayed plans for the M1 extension, which would destroy the ancient Stanworth Woods in Lancashire, when they realised that a High Court order had granted the Department of Transport possession although part of the land was leased. Officials will seek a revised order, which will take several weeks.

Player laid out cold

A rugby player suffered hypothermia after being trapped under an injured opponent in freezing mud for nearly an hour. Ewan Cameron, 24, a medical student playing for Cambridge 2nds, was unable to move while waiting for an ambulance in case he caused more damage to Paul Abbs, playing for Sawston, who had damaged his spine.

Gas chief admits company bodged announcement of pay award

By ARTHUR LEATHLEY AND PHILIP BASSETT

CEDRIC BROWN admitted last night that British Gas was tactless and insensitive in awarding him a £475,000 salary while the company studied plans to cut 25,000 jobs.

The British Gas chief executive, whose 75 per cent salary rise provoked a political furor, said that the company had made a grave mistake in the way it handled his pay increase but insisted the award was justified. Mr Brown faced hostile questioning from MPs as the simmering controversy over boardroom pay and perks boiled over in the Commons with fierce clashes between John Major and Tony Blair.

Mr Blair accused executives of privatised utilities of treating pay awards as a form of national lottery, "hitting the jackpot week after week after week at the public's expense". Mr Major fought back by claiming that Labour's plans to regulate directors' pay indicated that the party was in favour of a pay policy.

Mr Brown attempted to defuse the dispute over his salary by pledging that British Gas directors' salaries would be disclosed more openly in future. Under interrogation by the Commons Employment Select Committee, he said he had been surprised by public indignation over his pay rise. "With the benefit of hindsight, as soon as we had taken the decision, I think we should have announced it, what the changes were, and why."

He admitted that the increase would lead to a £180,000 annual pension increase, costing British Gas an additional £750,000. Asked by Greville Janner, the commit-



Janner: questioned size of pay rise

tee's Labour chairman, whether the increase was "insensitive, tactless and a grave mistake", Mr Brown replied: "Yes."

But Mr Brown, 59, vigorously defended his pay and told the MPs he had worked his way up at British Gas in a career spanning 40 years. "I started at the bottom. I wielded a pick and shovel and when the board came along three years ago and said they wanted me to be chief executive I was delighted to accept."

The pay package was "right for the company", Mr Brown said. "I am trying to move this company into the 21st century as a fully competitive company. For Britain to create a society where someone in the seventh-biggest company can go from the bottom to the top is something which should be encouraged."

A chief executive working for an American gas company in competition with British Gas earned ten times his salary. He insisted the in-

crease in his salary had been 28 per cent, not 75 per cent, and told MPs his pay had been pitched at the "median level" compared with a number of other companies. "Notwithstanding running the seventh-largest company in the country, to my knowledge there are at least about 50 or more chief executives earning more than that."

In a packed Commons committee room, Mr Brown, sitting alone in front of the MPs, was asked by Harry Greenwood (Con, Ealing North) if he would accept a £5,000 pay cut if asked by his company's remuneration committee. Mr Brown: "I would have a discussion with them but at the end of the day, I would accept it."

Mr Greenwood: "Would you do the job for £10,000 less?"

Mr Brown said he would "stand fast" and argue with the remuneration committee if this was suggested. He told the MPs his job had become more stressful since he was appointed in 1992 as British Gas faced increased competition and underwent a huge restructuring programme.

Asked about the plan to cut the pay of shop staff, he said he hoped they could earn more money through commission and that no-one would have to take a pay cut.

Ken Eastham (Lab, Manchester Blackley), said he could not understand how privatising the utilities had led to executives' pay jumping from £45,000 to almost £500,000. "It's not pennies from heaven — it's golden nuggets from heaven."

Mr Brown welcomed new guidelines announced by the Institute of Directors, who pressed shareholders to exert greater influence in restrain-



Cedric Brown leaving the Commons last night after his remuneration package was challenged by members of the Select Committee on Employment

ing directors' pay. The institute, which has 33,000 individual company directors as members, called for full disclosure of the remuneration package of every director in a company's annual report. The report should include details of salary, bonus payments, pension arrangements and other benefits such as cars.

Every director's shareholding should also be listed and contracts should be for a maximum of two years. The institute's leaders say that remuneration committees should not "shy away" from cutting pay if necessary, though they accept that a poorly performing director is more likely to be removed before their pay is cut.

However, Tim Melville-Ross, the institute's director-general, accepted that even if a company fully adopted the proposals, they would not prevent it awarding a 75 per cent rise to a director. However, he said: "We hope companies will take this framework on board because it meets many of the concerns that have cropped up over the last few months."

Trade unions said that the proposals did not go far enough. The Commons dispute erupted as Labour stepped up its campaign over pay increases in the privatised utilities by pointing to salary rises of 700 per cent for directors of the electricity generating companies. Gordon Brown, Shadow Chancellor, stepped up the

pressure for action by releasing figures for boardroom pay rises across the former nationalised industries since privatisation.

Labour's figures showed that Edmund Wallis, chief executive of PowerGen, received more than £1.2 million last year, made up of £400,000 in pay and remuneration and an extra £876,000 from executive share options. John Baker, chief executive of National Power, collected more than £1.1 million including £437,000 in pay and remuneration and £713,000 from executive share options. Labour said the two men stood to make another £1 million next year.

Simon Jenkins, page 14

Tory party chief loses libel battle against newspaper

By A STAFF REPORTER

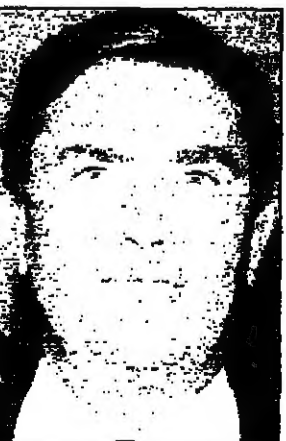
THE Conservative Party director-general Paul Judge lost a High Court claim yesterday that he was libelled in a front-page *Guardian* story which suggested Conservative Central Office used "old tricks" to obstruct an inquiry into donations made to party funds by the fugitive tycoon Asil Nadir.

A jury of six men and six women took just over four hours to decide by a majority of 10-2 that the September 1993 article did not libel Mr Judge. He now faces a bill for legal costs unofficially estimated at £300,000 for the seven-day hearing.

Mr Judge, 45, and his wife Anne Marie, 48, of Elmbridge, Hereford and Worcester, looked stunned as the jury delivered its verdict. He said later: "It is clearly a very disappointing verdict, but I think everything did come out in court which showed we acted perfectly properly."

"We are very surprised of course at the verdict but we continue to believe all our relationships with the authorities have been perfectly proper."

Campbell Page, *The Guardian's* executive editor, said: "We are obviously delighted



Judge faces £300,000 bill for week-long case

that *The Guardian* has been vindicated."

Mr Judge had sought damages against *The Guardian*, its editor Peter Preston, and journalists Paul Brown and David Pallister. David Eady, QC, for Mr Judge, described the disputed article as "a piece of sensational and Conservative scandal-mongering" which had damaged the director-general's character and reputation.

The report suggested that Neil Cooper, head of the insolvency arm of the accountants Robson Rhodes, and the

court-appointed joint trustee of Mr Nadir's bankruptcy, was to give Central Office one last opportunity to provide information voluntarily about donations — or face court action — after weeks of prevarication. The story also alleged that solicitors had been reduced to delivering copies of letters by hand to Mr Judge at Smith Square with accompanying notes saying: "We hope this does not get lost between the front office and your desk."

Mr Judge told the jury that he was "amazed and stupefied" by the untrue allegations. A father of two boys aged 9 and 10, he said it was "absolutely essential" to clear his name so that when his contract with the Tories came to an end and he returned to the world of business the Nadir story would not come back to haunt him and injure his future career.

Alan Rusbridger, deputy editor of *The Guardian*, is to succeed Peter Preston as editor. Mr Rusbridger, 41, who will be only the sixth occupant of the post in 66 years, was chosen by a seven-strong electoral college of journalists and *Guardian* executives. The choice was endorsed by The Scott Trust, which owns the paper.

Emergency patients 'dying because of hospital delays'

By JEREMY LAURANCE, HEALTH SERVICES CORRESPONDENT

DELAYS in admitting patients to hospital from accident and emergency departments are costing lives, according to the first study of emergency care in Britain.

Nearly half of patients who go into hospital are urgent or emergency cases. Up to five times as many die in the hospitals with the worst delays in finding a bed, compared with the best, the study commissioned by the Health Department says.

The Clinical Standards Advisory Group calls for national guidelines on emergency care and says that the NHS market is causing hospitals to concentrate on non-urgent work, on which their income depends.

Publication of the report, the fourth by the group appointed to advise ministers on quality of care and access to NHS services, was delayed for a year because of its alarming findings. It was submitted to the Health Department last January. Last week, Virginia Bottomley, Health Secretary, announced a new target under the Patient's Charter to speed up admissions from accident and emergency departments. The advisory group monitored urgent and emergency

admissions over seven days to 38 hospitals in 27 health districts. Of 7,750 patients studied, 462 died. In the worst hospitals, two thirds of patients, most of whom were seriously or critically ill, waited more than four hours to be admitted and 85 per cent waited more than two hours; in the best, all patients were admitted within four hours and only 5 per cent waited more than two hours.

The proportion of patients who died within four weeks varied among the hospitals

from 2 per cent to 10 per cent. Hospitals in southeast England had the longest delays.

The group says there is widespread feeling that hospitals are not being adequately rewarded for providing emergency care. "A more satisfactory balance should be struck so that hospitals are rewarded rather than penalised for treating emergency patients."

From April patients can expect to have a bed in three or four hours under the new charter. From April next year the limit will be two hours.

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Notice is given to all Bradford & Bingley Variable rate owner occupier borrowers that completed before 23 January 1995 that the rate charged will be increased by 0.35% with effect from 23 January 1995 (or later in accordance with the mortgage deed).

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Old soldier who shot intruder had lost faith in police

BY PAUL WILKINSON

AN OLD soldier who shot an intruder while standing guard over his allotment went on trial yesterday for attempted murder.

Ben Lyon, 73, once a private in the Leicestershire Regiment, had armed himself with an old shotgun, a home-made rice flail and a Scout knife after deciding he could no longer rely on the police for protection. Vandals and thieves had attacked his allotment. Dressed in a combat jacket he patrolled the plot at Askern, South Yorkshire, and one day last March noticed three men acting suspiciously. In a confrontation with one of them he fired, hitting the man in the face. The three then fled to a signalbox on a nearby railway line and waited for the police. When they arrived with a full armed response team Mr Lyon surrendered and told them that he was convinced Britain was lawless and "going to the dogs".

Yesterday at Sheffield Crown Court he denied attempting to murder Michael Zivkovic, 29, and an alternative charge of wounding with intent, although he admitted firing the shot.

It is the second case in less than two months of a pensioner appearing in court because he took drastic action to safeguard his property from attack. Last month a judge ordered Ted Newbery, 82, who lives 40 miles away in Ilkerton, Derbyshire, to pay his victim £4,000 compensation after shooting him as he tried to break into the shed where Mr Newbery was lying in wait.

After police had arrested Mr Lyon, he complained to Detective Sergeant Paul Hirst that



Lyon: allotment was plagued by vandals

he had reported a number of incidents but that police had done nothing. He said that he wished he had died with his wartime comrades in North Africa. "Then I wouldn't have seen this country in the state it is in today. Those lads died for nothing."

Mr Lyon told the court of his years of being plagued by thieves and vandals on his allotment. Tools worth hundreds of pounds had been stolen from his sheds and he had been threatened after reporting the incidents.

He refused to sit to give his evidence, standing to attention as he spoke. After demob he worked first on the roads and then spent 26 years as a postman in the Doncaster area, where he was known as Ben the Postman, even though

his real name was Richard.

On the day of the shooting he had made his regular morning trip by bicycle to the allotment, fed his pigeons and dog, and then took the single-barrel gun from a locked shed and loaded it. The gun, which he had owned since 1945, was licensed. He used it for shooting vermin.

On his rounds he saw Mr Zivkovic by a lorry, which he believed was being used to steal railway lines from an adjacent track. He said: "I put the gun across my chest in case of any trouble. The man ran to the other side of the lorry. I lifted the gun into the normal firing position to follow him round. He stopped and turned and I thought he was going to come round the back of the lorry towards me."

"I fired over the lorry towards him. He fell down and then he jumped up and ran towards the railway." He fired a second shot into the air to attract the attention of the signalman and then raised the alarm.

Asked if he had meant to kill or seriously harm Mr Zivkovic he replied firmly: "No Sir, I am sorry that I had to do it at all. I am sorry I had to use the gun at all." Mr Zivkovic needed hospital treatment, but some of the pellets are still lodged in his body.

The court was told that Mr Lyon's solicitors had been inundated with testimonials to his good character. Mr Lyon said: "The people of Askern said the wrong person was on trial. Some of them said I did not make a good enough job of it and other people said they should have given me a medal for it. But I do regret what I did."

The trial continues.



Paul Esplin, deputy custodian of the theatre, plays the existing Sheldonian organ

Electric organ strikes wrong note for dons

BY BEN PRESTON

OXFORD University is struggling to restore harmony after protests against its decision to install an electronic organ in the historic Sheldonian Theatre.

Peter North, the vice-chancellor, has agreed to rip out the proposed digital organ within five years if campaigners raise the £250,000 needed to find a traditional replacement. The existing 19th century pipe organ is, by common consent, near its last chord.

The commitment is an attempt to pacify 37 organ scholars, players and academics who have signed a petition opposing the decision by the university's ruling body, the Hebdomadal Council. They want Sir Christopher Wren's 17th century building to retain an organ in keeping with its architectural distinction.

The dispute arose after the university accepted a £50,000 donation from Peter Venables, QC — a convert to the charms of the electronic organ after installing one in his London home last year — to buy a modern instrument. The plan is to hide the electronic model's speakers behind the existing organ's pipes.

Jeffrey Hackney, chairman of the curators of the theatre, said the university had also agreed to establish a working party to help the protesters raise funds for a replacement. Mr Hackney main-

tained that the electronic organ was being maligned: "The problem is that no one has heard an organ of this quality. We are putting in modern speakers. This is not one of those things you have when you are 13. Worcester Cathedral has one but no one complains."

In a letter published in the latest issue of the *Oxford Magazine*, the 37 protesters call on the university to commission a pipe organ to "reflect the finest traditions and disciplines in the construction of musical instruments" to celebrate the millennium. They say: "When world-renowned pianists choose to perform on electronic pianos, that would be the time for us to review our case."

Dr Edward Higginbotham, director of music at New College, Oxford, agreed the pipe organ needed replacing but said the university could easily raise the money to pay for it. He said: "This money is peanuts. It's like going to MFI to get a cheap table rather than to an antique shop."

The Sheldonian is the venue for Oxford's latinate degree ceremonies and Congregation, the university's parliament. President Clinton last summer received an honorary award at the theatre.

Leading article, page 15

Pools man's relatives discovered in Lithuania

ANDY PALIUNOVAS's long-lost family in Lithuania wants him back, and says the fact that the 73-year-old has just won more than £2.3 million on the pools has nothing to do with it.

"I don't care about the money. I just want to take him in my arms and hug him," Mr Paliunovas's sister Ona, 67, said after a newspaper traced his family to the Lithuanian hamlet of Radviliskis. Mr Paliunovas, a retired, part-time handyman living in Gloucester, lost touch with his family when the Nazis deported him to a forced labour camp in Germany in 1944.

Last week, after collecting the biggest pools prize ever paid to one person in Britain, he said he didn't know if any of the family he left behind were still alive. Mr Paliunovas's brother and three sisters had thought their elder brother had died half a century ago. "We had not a line from him in 50 years," his brother Makarius said.

Mr Paliunovas, a bachelor, told the *News of the World*: "I thought they were all dead."

Koresh followers believed he slept with 400 virgins

BY KATE ALDERSON

FOLLOWERS of David Koresh, the cult leader, believed he had impregnated 400 virgins, the inquest on the 23 British victims of the siege and fire at his compound in Waco, Texas, was told yesterday. Koresh, 33, claimed he was the "sinful Messiah" and had the right to impregnate young women as part of his religious mission. Professor Albert Waite told the hearing in Manchester.

Professor Waite is the principal lecturer at Newbold College, Bracknell, Berkshire, a further education college attended primarily by Seventh Day Adventists. He said he knew three of the Waco victims, two of whom were his former students. He said he heard the claims at a late night meeting of the Branch Davidian cult which he infiltrated near the college.

The second day of the inquest was also told that the disastrous raid on the compound in February 1993, which led to a 51-day siege, was destined to fail. Detective

Chief Superintendent Albert Yates, of Greater Manchester Police, said the cult knew about the raid and dozens of warning signs to cancel the operation were ignored.

Senior officers of the Bureau of Alcohol, Tobacco and Firearms made no contingency plans, ordered no ambulances and failed to set up a proper communications system. Their decoy plan failed and the element of surprise was utterly destroyed. Four bureau agents were killed and 28 injured in the shoot-out; six cult members died and four were injured.

Mr Yates played dramatic audio tape of an emergency call to the local police station. Wayne Martin, a cult member, begged a policeman, who had no detailed knowledge of the raid, to call off the operation. "There are women and children in here. Call it off. Call it off," he shouted. Koresh was then heard asking the police officer: "Why did you guys do this? We told you we wanted to talk."

Man 'faked death to foil justice'

A MOTORIST assumed a false identity and faked his death in an attempt to escape a drink-driving charge, a jury was told yesterday.

Alan Smith, 61, took the name Montague Allan Richardson from a stolen driving licence and was charged under that identity.

Magistrates first adjourned the case after receiving a hospital letter that had been altered to say that Mr Richardson was to be admitted with a cancer-related illness. They later received a letter from a bogus solicitor, telling them that he was dead.

Rupert Pardoe, for the prosecution, told Reading Crown Court that Mr Smith was double the legal alcohol limit when he was stopped by police at Crowthorne, Berkshire, 11 months ago. "This was a clever, persistent and well-planned scheme which, had it gone to plan, would have resulted in him being forgotten about by the legal system," Mr Pardoe said.

Mr Smith, of Yateley, Hampshire, denies perverting the course of justice and stealing a driving licence. The trial continues.

SATURDAY IN THE TIMES

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Government rethinks stance after Lyme Bay tragedy

Outdoor activity centres face safety controls

By KATHRYN KNIGHT AND JONATHAN PRYNN

OUTDOOR activity centres will be licensed and forced to undergo compulsory inspections as a result of the Lyme Bay tragedy almost two years ago in which four teenage canoeists on an activity holiday died.

The Government yesterday agreed to support a private member's Bill from the Labour MP for Plymouth, Devonport, where the canoeists went to school. Until now, ministers have always maintained that a voluntary code of practice was sufficient. Their about-turn came after a report by the Health and Safety Executive (HSE), which found that about 10 per cent of outdoor activity centres were sub-standard.

David Jamieson yesterday welcomed the decision. His Bill enforcing safety standards has its second reading on Friday. It can now expect a smooth passage after Eric Forth, the Schools Minister, said the Government was prepared to support it in principle. Mr Forth added that the report showed that the majority of centres were well run but there was a minority that needed safety improvements.

The Bill will pave the way for regulations forcing Britain's 3,000 outdoor activity centres to register with an accreditation body. They

would be subject to regular inspection and there would be a complaints procedure for people concerned about safety. Inspectors would be able to withdraw licences from centres they thought inadequate, and managers of centres operating without a licence could go to prison for two years.

Mr Jamieson said the Government had bowed under considerable pressure from parents and teachers. "They have listened to all the voices from teachers and governing bodies and LEAs saying that statutory powers were needed." He added that while it would be impossible to guarantee that accidents would never happen, the Bill would at least stop badly run centres putting children in danger.

Inspectors from the HSE examined just under 200 activity centres offering pursuits such as abseiling, rock climbing, sailing and caving. They found that 16 per cent did not provide even informal training for instructors, and 12 per cent had not appointed someone to be responsible for health and safety at the centre. Eight per cent had no emergency equipment or procedures and 6 per cent did not monitor health and safety standards of the centre. The report concluded that while



Jamieson: second reading for Bill

most centres maintained high safety standards, there was no room for complacency.

"If only 84 per cent of airline pilots were competent, that would not give the travelling public much confidence in airlines. Parents feel the same way about outdoor activity centres," Mr Jamieson said.

The Government's change of heart was also welcomed by teaching unions and by the parents of the Lyme Bay victims. Carolyn Langley, mother of Claire Langley, 17, who died when her canoe was swept out to sea in Lyme Bay,

said: "I just wish they had done it earlier. It would have saved us and many others a lot of grief and wasted time."

Denis Walker, father of Rachel Walker, 16, said that the Government's reluctance to accept the necessity for statutory legislation meant that "children's lives have been needlessly put at risk over the last 22 months". He called for the centres which the HSE had found to be sub-standard to be put out of business.

The National Association for Heads and Deputies said it was delighted by the Government's decision to back the Bill. Doug McAvoy, general secretary of the National Union of Teachers, said his union would send out lists of licensed centres to all schools.

It is expected that centres will have to comply with new regulations by early next year, while the legal regime would be fully in place by early 1997. An accreditation scheme would need up to £200,000 from the Government in start-up costs but would eventually be largely self-financing.

In December last year, Peter Kite, the managing director of Active Learning and Leisure, the company controlling the Lyme Regis activity centre, was found guilty of the manslaughter of the four teenagers and jailed for three years.

Crippled soldier wins damages

By BILL FROST

A YOUNG soldier whose neck was broken during a scuffle with a fellow recruit yesterday accepted £800,000 compensation from the Ministry of Defence.

David Inker, 27, was left wheelchair-bound for life after a night of "unrestrained drinking" by fellow soldiers in the Royal Army Medical Corps ended in tragedy. The High Court in London was told. A piece of horseplay had "backfired" while the unit was on manoeuvres in Wales on July 12, 1987. His counsel, Christopher Gardner, QC, said:

A fellow soldier, who was

chasing Private Inker, landed on top of him with "his full 14-15 stone weight, breaking his neck". He was only "cursorily examined" before being placed on a groundsheet, wearing only a sports jacket, T-shirt and trousers, to endure a "long, cold night". Mr Gardner said that his client pleaded for medical attention but was left alone and paralysed.

Mr Gardner told Mr Justice Drake: "We say that during the course of that evening there was heavy and unrestrained drinking, although Mr Inker himself did not

drink alcohol." On his return to camp near Craig-y-Dinas, Gwynedd, Pte Inker saw Pte John Johns lying on the tailboard of an army lorry and, as a prank, tipped him to the ground.

A chase ensued, ending with Pte Johns landing on Pte Inker. Troop Sergeant Alan Foster "cursorily" examined Pte Inker by running his hand along his spine. Mr Gardner went on: "We say that he caused him to be handled in a way that defies belief from someone with that qualification, which the defendants admit was negligent and we

say can only be explained by excessive consumption of alcohol by Troop Sgt Foster."

"He ordered the other recruits to take David Inker by the armpits and lift him up to stand him up, and then let go. The result was of course that he immediately collapsed again and his head and neck came into contact with the ground."

Mr Inker, of Chippenham, Wiltshire, said he was left until the next morning before being taken to hospital. The victim, who is now tetraplegic, is studying computer sciences at Reading University.



Florentine von Kleemann of Christie's with pieces from the Diana cargo

Replica of Golden Hind may be sent to bring home Drake's body

By ANDREW PIERCE

A REPLICA of Sir Francis Drake's *Golden Hind* could sail for Panama to retrieve his remains from Nombre de Dios Bay.

It is the 399th anniversary of Drake's death on Saturday, and his body lies in a sealed casket three miles off the coast at a depth of 126ft. Drake enthusiasts have raised £80,000 during the past four years to bring his coffin back to Britain. However, it was disclosed last week that the Ministry of Defence is opposed to the plans, infuriating historians who spent 14 years searching for the seafarer's grave.

The modern day *Golden Hind*, which is a floating museum, faces a race against Ruben Collado, an Argentine adventurer, who has vowed to bring Drake back to Britain in time for the 400th anniversary of his death.

Captain Roddy Coleman,

the skipper of the *Golden Hind*, which sailed into Chatham, Kent, yesterday, said: "I think it would be a fitting tribute if we could be commissioned to bring Sir Francis Drake's body back."

Sir David Nicholas, the former chairman of Independent Television News, who is backing efforts to bring Drake home, said: "We wanted the blessing of the Navy so we could bring him back with the proper religious and ceremonial observance. We don't want to be accused of grave-robbing. It would be wonderful to involve the *Golden Hind*."

Captain Coleman said: "Ideally Drake's body should go to London and be buried in Westminster Abbey where he belongs. Or we could bring him back to Plymouth where he would be given a hero's welcome."

Not quite, Plymouth City



Drake: race to return his body from Panama

would be desecration to move him. We are proud of our connections to him, but there is no support in Plymouth for the idea of moving his remains here." Drake was Lord Mayor of Plymouth and was instrumental in installing a public water supply system in the city.

Last year the Labour-controlled council was forced to back down after it provoked controversy by vetoing public expenditure on celebrations for the life of Sir John Hawkins, the architect of the Elizabethan naval fleet that sank the Spanish. The council had balked at a celebration because of Hawkins' links with the slave trade.

Captain Coleman said: "All the crew of the original *Golden Hind*, including the cabin boy, came back as millionaires after plundering Spanish galleons on the high seas, but we would rather come back with the remains of Sir Francis Drake."

Remains of drug in cup killed boy

A CHILD who died from a methadone overdose had drunk milk from a baby's cup his stepfather used to measure out the heroin substitute, an inquest was told yesterday.

Nicola Ball, mother of Louis Standing, 2, told the hearing in Stockport that she had seen the cup rinsed out afterwards. But her brother-in-law, Peter Johnson, said he saw Louis drinking a green-coloured liquid from the cup.

The coroner, Peter Revington, recorded an open verdict on Louis of Edgeley, Stockport, who died last April. He said it was not clear how the child had got the heroin substitute or who had given it to him.

Bentley gravestone to mark 'victim of British justice'

By DOMINIC KENNEDY

CELEBRITIES are being invited to a memorial service dedicating a gravestone to Derek Bentley as "a victim of British justice".

The writer and broadcaster Ludovic Kennedy is expected to join the musician Ralph McTell, who composed a song about Bentley's case, for a ceremony at a cemetery in Croydon, south London, on Saturday. Invitations are also going to the musician Elvis Costello, who has expressed an interest in the Bentley hanging, and Malcolm Wicks, Labour MP for Croydon North West.

The vicar who buried the convicted murderer will travel from Southampton to support Bentley's sister Iris, who has cancer. Maria Dingwall, her daughter, and Benedict Berridge, her solicitor, will also be at the graveside.

The ceremony is likely to attract more attention than the unveiling of a plaque at Croydon police station in November 1994 to PC Sidney Miles, who was shot in November 1952 by Bentley's accomplice, Christopher Craig.

Craig was ineligible for the death penalty because he was aged 16. Bentley was hanged for murder. His remains were reinterred in an unmarked piece of consecrated ground at the municipal cemetery in

1966. His parents have since been buried in the same plot.

In 1973, Bentley's father asked for a memorial bearing the words: "Let us forget Derek Bentley — a victim of English injustice." Croydon's Conservative-controlled council refused permission but implied that it supported the sentiment of the epitaph. Efforts to change the wording to indicate that Bentley's family had faith in his innocence were rejected by relatives.

When Labour won control of the authority for the first time, it approved the gravestone. Saturday's memorial service marks the 32nd anniversary of Bentley's hanging.

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THE TIMES WEDNESDAY JANUARY 25 1995

Attenborough urges government action to save 600 species

By Nick Nuttall, Environment Correspondent

AN ACTION plan to save 600 British species of flora and fauna was presented yesterday by Sir David Attenborough, the Environment Secretary. It is aimed at halting the extinction of species including bats, mosses and birds in the British Isles and allowing those that are threatened to flourish. Conservationists said that many species were declining "at a rate of knots" and could be lost within decades. They include humble species such as mosses, ferns and algae, as well as the more high-profile ones such as the bittern, down to 16 pairs, the silver-spotted skipper butterfly, which has suffered a 74 per cent decline since the 1950s, and common farmland birds such as the song thrush and the skylark.

Sir David, the naturalist and broadcaster, speaking at the Natural History Museum in London last night, said: "Biodiversity Challenge [the action plan] lists over 150 species which are known, or are believed, to have become extinct in the UK this century. About half of these were only found in the UK and have therefore been lost to the world for ever."

The lost species include the large blue butterfly, the Essex emerald moth, the many branched stonewort, the peach-leaved bellflower, Ivel's sea-anemone and the burbot, a fish. Sir David said it was a matter of urgency that policies were now implemented to ensure other British species were not consigned to the history books.

Biodiversity Challenge is intended to help the Government to meet its commitments to the Rio Earth summit by drafting conservation schemes, setting recovery targets and costing programmes.

Graham Wynne, of the Royal Society for the Protection of Birds, said that huge benefits to wildlife were possible for relatively small amounts. The

Caledonian pinewoods of Scotland, a unique habitat reduced to 12,500 hectares. 1 per cent of their original range, could be managed and expanded by 10,000 hectares for about £700,000 a year for 10 years.

Tony Juniper, senior habitats campaigner with Friends of the Earth, said: "This is less than the cost of subsidy payments to a large farm which annually can be over £1 million."

At the gathering of conservationists, Sir David took the chance to criticise John Redwood, the Welsh Secretary, after reports that he plans to cut the conservation budget in the Principality. For biodiversity to be preserved, all government departments needed to pledge their commitments, not just Mr Gummer's.

□ **Biodiversity Challenge:** An agenda for conservation in the UK (RSPB, £20)



Letters, page 19

Nico Ladenis and Marco Pierre White yesterday. Their restaurants have been awarded three Michelin stars

Michelin honours White and Ladenis

By Robin Young

TWO London restaurants are today elevated to the pantheon of cuisine, when the new edition of the Michelin Red Hotel and Restaurant Guide awards them three stars.

Both promotions are for establishments affiliated to the Forte hotel group: The Restaurant at the Hyde Park Hotel, run by Marco Pierre White, and Chez Nico at the Grosvenor House Hotel, run by Nico Ladenis. Mr White, 33, becomes the youngest chef and first native Englishman to win three stars. "I feel like Roger Bannister having done the four-minute mile," he said. Mr Ladenis is the only self-taught chef ever to win such an accolade.

Michelin rates three-star restaurants as producing "exceptional cuisine, worth a special journey". Pierre Koffmann's La Tante Claire in Chelsea and Michel Roux's Waterside Inn at Bray, Berkshire also hold three stars.

Diary, page 14



The stolen Lowry Thieves throw stolen Lowry from car

By Andrew Pierce

A LOWRY painting was recovered on a motorway embankment after it was thrown out of a car during a police chase.

The £9,000 painting, The Four Figures, was not damaged and was last night back at Salford Art Gallery and Museum, home to one of the world's largest Lowry collections. Detectives believe the thieves were opportunists as Lowry pictures worth £500,000 were hanging only feet away.

Two police cars were rammed during the pursuit in Salford, Manchester, on Monday night. Three men were arrested later and are helping police with their inquiries. Det Chief Insp Andy Tattersall, who led the seven-day hunt for the painting, said: "Our main fear was that it would leave the country."

The disappearance of the 10-inch square picture on Monday last week was not noticed by gallery staff for more than an hour. Security has since been tightened. The picture, which depicts Lowry's distinctive matchstick men, was one of the last he completed.

'Too noisy' opera is reprieved for a year

AN open-air opera festival which was fined earlier this year for being too noisy has survived the latest attempt by opponents to drop the final curtain on its performances.

Planners yesterday gave Leonard Ingrams, an impresario and banker, approval for the summer season of 20 operas to be held at his mansion in Garsington, Oxfordshire, but they were as divided as the villagers living near the Jacobean manor house.

Mr Ingrams, 53, the brother of Richard Ingrams, the former Editor of Private Eye, said he was relieved by South Oxfordshire District Council's decision. "We are thrilled and hope the opera will go ahead now."

However, opponents of the festival yesterday claimed at the meeting at Crowmarsh, Oxfordshire, that the event was "a monster growing in front of us" and a "damned nuisance".

Last month Mr Ingrams was fined £1,000 and ordered to pay £2,000 costs after being convicted of causing noise pollution. Residents and officers from the council are to monitor the impact of noise and increased traffic during the 35 days of this year's festival, which will include a fête, garden open days and amateur dramatic performances.

Councillor Jim Nixey said: "They cannot understand that their opera is a damned nuisance because of one thing — the noise. It's intolerable for the people in the village."

However, others called for another year to assess the situation. Councillor Jan Morgan said: "I am not an opera lover. I hate it. But I want it to go on one more year so we can make a much more informed decision on it."

Crash victim 'in plot to extort £1m'

By A Staff Reporter

A MAN injured in a car crash plotted to extort £1 million from his motor insurance company by murdering and maiming senior executives, an Old Bailey jury was told yesterday.

But John Grainger, 53, made one blunder in his "ruthless and calculated scheme", the court was told. The man he hired to carry out his orders was an undercover police officer who secretly recorded their conversations.

The court was told that the unemployed property developer suffered whiplash injuries in a car that was struck from behind by a lorry in April 1991. After much wrangling, including a threat to starve himself, Mr Grainger agreed to accept £250,000 but warned the company's legal representatives that his fight for four times that amount would go on.

Michael Austin-Smith, QC, for the prosecution, said Mr Grainger was ruthless, calculated and determined. "He had his plan and all he needed was a hit man to execute it."

The first man Mr Grainger allegedly recruited failed to

carry out his order to firebomb the company. He was then put in touch with the undercover officer. Mr Grainger allegedly told the officer in taped conversations: "If someone puts paint on a director's car, I don't think they would take any notice. But if, let's say, I did something terrible, say I killed someone, I think the harder you go in the greater the chances of it working."

The court was told that the policeman pretended to carry out "a hit" and told Mr Grainger that he had wounded a company director in the leg. He said: "You have made me a happy man. That's lovely; gone to hospital, has he?"

Mr Grainger indicated that if he did not hear from the insurer by the weekend after the fictional attack, he wanted the "full SP, a bullet in the head", the court was told.

Mr Grainger, of Great Yeldham, Essex, denies soliciting to murder, incitement to cause grievous bodily harm and incitement to blackmail last March. The trial continues.



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Restoration work on schedule to be completed within £40 million budget

Windsor designs hold to Gothic tradition

■ Visitors to Buckingham Palace will have to pay 50p more this year to help to fund restoration work at Windsor Castle. Alan Hamilton reports

THE QUEEN has opted for a traditionalist approach to the redesign of the interiors at Windsor Castle after the disastrous fire of November 1992. Royal Household officials yesterday unveiled the chosen designs for the reconstruction of three fire-damaged state apartments, which will include elements of contemporary architecture, while the remainder are to be returned to their condition before the blaze. The theme is unashamed Gothic.

Six prominent architects were invited to submit designs by the restoration committee, presided over by the Duke of Edinburgh and the Prince of Wales. Their well-known bias towards the traditional is reflected in their choice of a scheme by the Sidell Gibson partnership that reworks the basic principles of Gothic architecture. It has been approved by the Queen.

Giles Downes, the architect in charge of the winning submission, said they had been forced to accept that scope for drastic redesign



Artists' impressions of St George's Hall and the new roof, left, the octagonal antechamber to the hall with its "umbrella" timber structure, and the new private chapel

within the castle was limited: the castle had enjoyed a tradition of successive generations of builders interpreting Gothic architecture in their own, distinctive ways.

"In the last 20 years architecture has been rediscovering its roots, and we have based our design approach on our own modern reinterpretation of Gothic, as a continuation of this tradition at Windsor and as a reflection of the attitudes and interests of the 1990s," Mr Downes said. The present-day

appeal of Gothic was in its direct use of natural materials and craftsmanship, the similarity of many of its shapes to natural plant forms, and in the allegorical nature of medieval thought.

Sidell Gibson will provide St George's Hall, greatest of the state apartments, with a new ceiling much more steeply pitched than Jeffrey de Wyatville's 1828 ceiling for George IV, and will use natural oak rather than the previous painted plaster. The new

ceiling will have sufficient panels to accommodate nearly 700 coats of arms of past Knights of the Garter.

The architects' greatest challenge, however, was to remodel the former private chapel, destroyed in the fire, into an octagonal antechamber leading into St George's Hall. Its centrepiece will be a large and elegant timber umbrella made of eight oak columns each supporting a fan of 25 curving oak ribs shaped like giant plants and founded on

the basic principles of Gothic geometry. When finished, the room will exhibit paintings from the Royal Collection.

Next to the Octagon will be a new, smaller private chapel, a simple rectangular chamber created out of what, before the fire, was the Holbein Room. The chapel will have a Gothic vaulted ceiling in the shape of wings touching at the centre.

Castle officials have not yet decided whether the Octagon, which promises to be an impressive and eye-catching

piece of timberwork, should be included in the public tour of the state apartments when restoration is completed in 1998, or whether visitors will merely be allowed to look into it from outside.

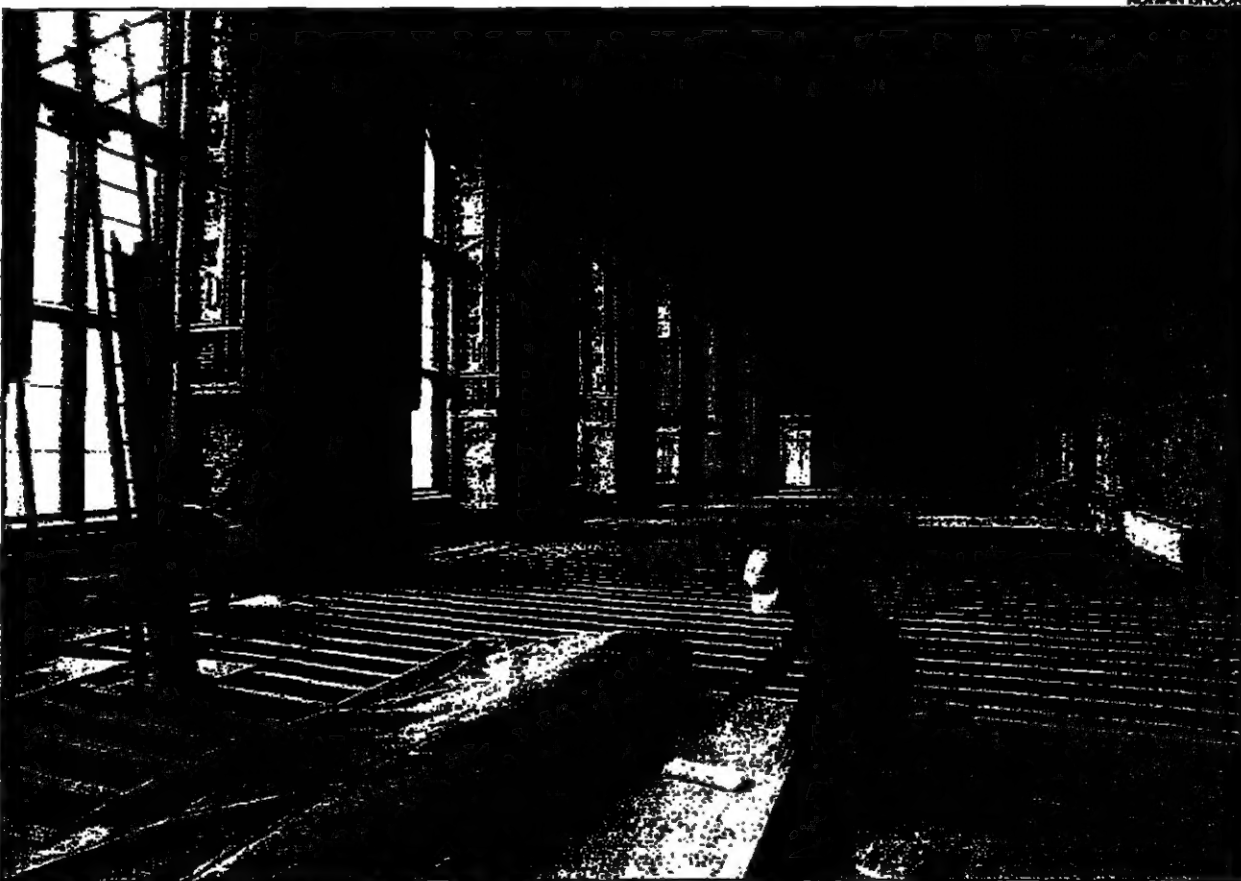
Elsewhere in the fire-damaged area, the apartments now have new roofs and are weathertight. Powerful fans have been installed to dry out the 1.5 million gallons of water poured onto the blaze by firefighters before the delicate task of interior restoration can

begin in earnest. The apartments most badly damaged by the fire remain stripped of their finery, and scorch marks are still evident despite a massive operation to clear away debris that filled 7,000 dustbins. In many of the rooms the atmosphere is still chill and dank, while others, including the Green Drawing Room, exude the smell of new wood as carpenters begin the work of replacing floors.

During work to make the structure safe, archaeologists from English Heritage uncovered a previously unknown medieval timber roof hidden behind a Victorian ceiling in the Great Kitchen, and a 120-foot-deep well, dating from 1440.

John Tiltman, the Royal Household's project director for the restoration, said yesterday that work was on schedule, and would be completed by spring 1998 within the original £40 million budget. More than two-thirds of the cost is to be met from entrance charges at the castle and at Buckingham Palace, the remainder coming from the regular grant-in-aid, given by the National Heritage Department for maintaining the occupied royal palaces.

Michael Peat, the Royal Household's director of finance, said yesterday that the basic entrance charge to Buckingham Palace would increase this year from £8 to £8.50. Last year, opening the palace to the public raised £2.5 million towards restoration costs, while new entrance charges at Windsor produced a further £1.4 million. Mr Peat was unable to say whether opening the palace to the public for eight weeks each summer would continue after the restoration had been completed.



Work is progressing apace in the Green Drawing Room, where carpenters are replacing the flooring

Norman fort that grew into world's largest royal castle

WILLIAM the Conqueror chose a hilly site overlooking the Thames to build a wooden fortress in about 1070 that would guard the river's western approach to his capital (Alan Hamilton writes).

In the late 12th century Henry II began to rebuild it in stone, from which period survive the outer walls of the Upper Ward and the lower half of the Round Tower.

Its role as fortress has long given way to that of palace. Today its 13 acres make it the world's largest occupied royal castle, and the most popular tourist spot in Britain outside London, with more than three million visitors a year.

Tudor monarchs extended the palace and Queen Elizabeth II built a gallery which now houses the royal library. The early Stuarts did not much care for Windsor, and

by the time of Charles II's restoration in 1660 it had fallen into some disrepair. Charles rebuilt a substantial part in the baroque style of his period to form the core of what are now the state apartments.

But it was the rousingly extravagant George IV who, above all others, created Windsor in its present form. He employed Jeffrey Wyatt to translate royal ideas into a riot of mock Gothic extravaganzas. Wyatt's principal work is the quadrangle of the Upper Ward, housing the state and private apartments. Wyatt also raised the Round Tower (which is in fact elliptical) by 33 feet to enhance the skyline.

The present restoration is largely dedicated to preserving the Wyatt castle, and where changes are planned they will do homage to the Wyatt Gothic tradition.

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County pins hope on Lords appeal

BY IAN MURRAY, COMMUNITY CORRESPONDENT

CLEVELAND, the first county scheduled to be abolished under proposals to redraw the local-authority map of England, is mounting a last-minute campaign for preservation after a House of Lords decision to expunge it from the map.

The county is pressing ahead with an appeal to the Lords on the ground that the public was never properly consulted, despite a 73-20 vote in the Lords on Monday in favour of government plans to divide it into four unitary councils.

The High Court has already rejected a request for a judicial review. At the same time it was highly critical of the way the Local Government Commission had behaved. The court said it was guilty of

"conduct, which in the case of a second-hand car salesman, would lead to an appearance at the Old Bailey".

The county has told council tax-payers that if it is abolished every household will face an extra bill of £230 a year and that there will be at least 750 redundancies in an area with one of the highest unemployment rates. The figures are based on published bids for financial assistance for transition costs by the four unitary authorities, which are due to take over the county's responsibilities from April next year. These total £30 million instead of the commission's highest original estimate of £18 million.

The Government dismissed the calculation as a scare tactic.

Defendant mugged magistrate

A DEFENDANT mugged the magistrate during a lunch-time break in his case, a court was told yesterday. A man who came to her aid turned out to be a friend of the mugger - who then helped him to escape.

Glen Telford, 21, who faced a charge of breaching a probation order, had been released by Linda Higgs, 42, in Bedlington, Northumberland, over the adjournment. Yesterday, Telford was jailed for two years at Newcastle upon Tyne Crown Court after admitting robbery. The court heard he had been on drugs and alcohol and needed money for more.

Sharon Walker, 18, who had helped Mrs Higgs to her feet and driven Telford away, admitted assisting an offender. His case was adjourned for reports.

Chicken hurling butcher jailed

BY A STAFF REPORTER

A BULLYING Sainsbury's butcher who knocked a part-time worker off his feet with a frozen chicken was jailed yesterday for 12 months. Nicholas Wilson, 23, hurled the 3½ lb bird at Andrew Baggs, 18, from 25 yards "like a rugby throw-in", Winchester Crown Court was told.

Mr Baggs, a student working at the store on Saturdays, staggered backwards after he was hit in the chest "with considerable force".

Christian Sweeney, for the prosecution, said that Wilson, a full-time butcher at the store in Alton, Hampshire, was in the meat department with Philip Small, 31, its manager, and some student workers when friendly banter developed into more physical abuse. Mr Baggs was also

prodded in the buttocks with a sharp meat knife.

The court was told Small had also hit Mr Baggs with a 1½ weight after saying: "Say hello to Mr One Pound Weight".

Wilson admitted causing actual bodily harm with the knife and two counts of assault. He admitted further charges of causing actual bodily harm, one count of assault and one of affray, arising out of a later incident. Small admitted causing actual bodily harm and was ordered to do 160 hours of community service and to pay Mr Baggs £300.

Sainsbury's said later: "We take this matter extremely seriously. The two are no longer employed by Sainsbury's."

Sporting success is all in the mind

BY NIGEL HAWKES, SCIENCE EDITOR

MENTALLY rehearsing a golf swing or a tennis serve could really work, according to a British study.

The mental practice activates almost all the same brain circuits used in the game itself. This strengthens the brain cell connections and makes it more likely that they will function as intended.

The study, says Professor Richard Frackowiak of the Institute of Neurology in London, gives an anatomical explanation for "the common experiences of pianists, violinists and tennis players, who very frequently rehearse movements in their minds as a technique for improving performance".

With Klaus-Martin Stephan of the University of Dusseldorf, he used the technique of positron emission tomogra-

phy to scan the brains of six volunteers as they moved a joystick rather like a gear lever in a particular pattern. They compared these brain scans with those taken as the men prepared to do the task, and as they imagined doing it.

The scans measure which part of the brain is active at any moment by tracing blood flow. It was found that three areas of the brain were used, in first preparing, then imagining, then carrying on an action. But simply imagining on its own is enough to activate the first two of these areas, which amount to about 80 per cent of the brain circuits involved in performing an action.

To choreograph something as complex as a golf or tennis swing, the brain has to get "the whole system tuned up to make precisely the correct sequence of muscle movements", Professor Frackowiak says. When a person imagines a

swing, "all the brain areas dealing with movement activate, except for the region associated with the final command that says 'Go'."

Mental practice on its own will not make you a tennis champion or a concert pianist, he says. "You have to get some feedback by playing the game, or the piano. Otherwise you might simply be practising mistakes. But the study does imply that the claims made by so many musicians and sportsmen do really have a physical basis."

Professor Deborah Feltz of Michigan State University, who has reviewed the research, said that the findings made sense but added: "Real practice is best. If you never played golf before, mental practice isn't going to help you because the brain circuitry isn't there yet," she said. "You have to have some ground-work laid down."

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Rank and file may be asked for verdict on Clause 4

By JILL SHERMAN, POLITICAL CORRESPONDENT

LABOUR Party members may be asked to vote on the future of Clause Four to try to prevent activists from blocking Tony Blair's campaign to modernise the constitution.

Labour's national executive will today discuss whether constituency ballots should go ahead after it has agreed the new wording of Clause Four on March 15. The move comes as Mr Blair's opponents step up their efforts to thwart him.

The Defend Clause Four Campaign is to hold another press conference today to be attended by Dennis Skinner and Dianne Abbott, who are both members of the executive. The group claims that it is receiving strong indications from the constituencies that there is grassroots support for retaining Labour's nationalisation clause unchanged.

Robin Cook, the Shadow Foreign Secretary, will today try to counteract the group's

efforts with a speech showing strong support for rewriting Clause Four. His intervention is significant because he initially opposed Mr Blair's decision and because he holds considerable influence in the party. He is expected to say in the speech: "Clause Four shouldn't be pickled in vinegar."

Mr Blair is in favour of as wide a consultation as possible to show that the final decision, to be taken at a special conference on April 29, is democratic. However, it is understood that he does not want to push anyone into a decision on balloting, and is unlikely to take a strong position at today's meeting.

The national executive has no powers to instruct constituencies to hold ballots, but it can encourage them to do so, as it did over John Smith's one-member one-vote proposals.

Party sources argue that a

ballot of the ordinary membership would be likely to reflect stronger support for Mr Blair's move to rewrite Clause Four than would a vote at constituency branch meetings, which tend to be dominated by party activists. Similar ballots on the one-member one-vote changes showed strong support for Mr Smith's modernisation.

The ballots would not be binding on constituency parties but it would be difficult for them to ignore the results when they mandate their delegates for the special conference on April 29. Officials said that pressure to hold them had come from constituencies that were in favour of changing Clause Four.

Some MPs argue that the ballots, which could be held at constituency or branch level, might be very haphazard and badly organised. Some constituencies could refuse to take part, which could undermine



the decisions reached at constituency branch meetings.

Party officials ruled out any ballot of trade union members as too costly and too consuming. Trade unions hold 70 per cent of the vote at the special conference, with constituencies holding the remaining 30 per cent. The officials also ruled out an earlier ballot of party

members on whether Clause Four should be changed. Leadership sources said any ballot would have to be over the new wording of the party's constitution and held after March 15.

Mr Cook will today give a lecture "setting out the radical case for changing Clause Four". He will set out the key

objectives that he believes should be contained in the party's new statement of aims and values.

He will point out that public ownership has never been the sole objective of socialism. "The fundamentals of Labour ideology is not state ownership but social solidarity," he will say. He will also argue that

there would be a much greater revolt from the membership if Mr Blair decided to implement Clause Four in full.

On Thursday Mr Blair will try to rally party members to the cause at a private question and answer session in Gateshead and Leeds followed by a key speech on Saturday in his Sedgefield constituency.

College places 'could be earned'

By JILL SHERMAN

STUDENTS could help to pay their way through university by doing a nine months of community service after they leave school, Labour said yesterday.

David Blunkett, the Shadow Education Secretary, said that the idea of allowing student to earn "bursaries" to college by doing citizen's service was being considered as part of the party's review of further education.

At the end of last year the party admitted that it was looking at a graduate tax as a way of getting students to pay back some of the cost of their education as an alternative to the student loans system.

Addressing the National Youth Agency Citizenship and Community Service conference, Mr Blunkett said: "We should consider offering credits for further and higher education for those who have undertaken citizen's service. It will then not be viewed as something simply for those who have failed within the system but a programme and a foundation for life."

Nolan dismisses accusation of hasty judgment

By MICHAEL DYNES

LORD NOLAN appeared yesterday to backtrack on his claim that it was time to overhaul the rules governing MPs' connections with commercial lobbyists.

Last week, on the third day of the inquiry into standards of public life, he said the evidence already taken indicated that tighter rules were needed on MPs' connections with lobbyists.

Yesterday the former Transport Secretary John MacGregor, who was giving evidence during the second week of the inquiry's public hearings, expressed surprise that conclusions had been arrived at so quickly. "It seems to be highly unusual when you have only just started taking oral evidence," he said.

Lord Nolan replied that he had said nothing that "suggested any conclusions had been reached". Last week, however, he said: "It seems plain from the evidence so far that the rules on MPs' connections with lobbyists need to be tightened up." In the same statement, he added: "It is also clear that we need to consider in detail the possible introduction of an independent element into Parliament's current arrangements for self-regulation."

Mr MacGregor defended the Government against allegations that it had been improperly influenced by Decision Makers, a parliamentary lobbying firm, over the choice of Ebbsfleet in Kent for the site of the intermediate station for the Channel Tunnel rail link. He said that lobby-

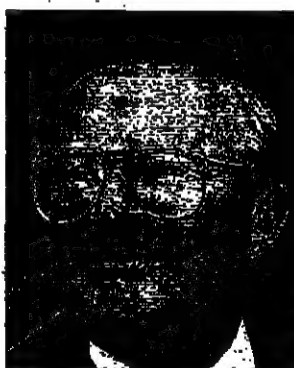
ists had no preferential access to government.

He insisted, however, that MPs should be free to work for organisations outside Parliament. Such interests provided them with valuable experience and mitigated the disadvantages of a precarious career.

John Witherow, editor of the *Sunday Times*, was asked to justify his paper's use of subterfuge in the cash-for-questions affair. In July, the paper reported that two of the 20 MPs approached by a reporter posing as a businessman were prepared to take £1,000 to ask a parliamentary question.

Asked whether he had uncovered a problem or used "entrapment to bring it about", he said that the paper had begun the investigation after being told by a businessman that the cash-for-questions practice was prevalent. The hearing continues today.

Letters, page 19



MacGregor: surprised by early "conclusion"

Help for disabled will cost £1.3bn

By ALICE THOMSON, POLITICAL REPORTER

THE Government's measures to combat discrimination against the disabled will cost businesses and service providers £1.3 billion to implement, MPs were told yesterday.

William Hague, Minister for the Disabled, said that businesses were already apprehensive about the Disability Discrimination Bill which will introduce new rights of access for the disabled. Opening the second reading debate on the Bill, he said: "It is utterly wrong that disabled people are restricted or excluded from some aspects of life." But he warned MPs that there would be a hefty price.

The Bill will make it unlawful for employers with 20 or more staff to discriminate against the disabled, and will set up a National Disability Council to advise ministers on eliminating discrimination.

Mr Hague confirmed that providers of services would have to change any policy, practice or procedure that

makes it impossible or "unreasonably difficult" for disabled people to make use of those services. Some parts of the measure would come into force in spring next year but the minister proposed a five to ten-year phasing-in period for other aspects requiring physical alterations to be made.


Tom Clarke, the Shadow Minister for the Disabled, denounced the Bill as a "public relations exercise". He said the Government had been forced to produce it after it killed off last year's backbench Civil Rights Disabled Persons Bill. That private Bill has been revived by Harry Barnes, Labour MP for Derbyshire North East, and Mr Clarke said the Opposition would support it.

Mr Hague said: "The reason why the maximum cost of the Government's proposal can be estimated at around £1.3 billion is that, unlike the so-called Civil Rights Bill, it is not open-ended and is a realistic goal for business."

IN PARLIAMENT


YESTERDAY: In the Commons, questions to education ministers and the Prime Minister were followed by the introduction of a ten-minute rule Bill on Community Care (Rights to Mental Health Services). There was also a second reading debate on the Government's Disability Discrimination Bill. The Lords gave a second reading to the Government's Freedom Bill.

morning for the first time under the new jumping reforms of Commons business for a series of private members' debates that will be followed by Scottish questions, a ten-minute rule Bill on Persians (Dwelling) and the second day of the committee stage of the Finance Bill. In the Lords, debate on the Prison Service and Scotland was followed by the second reading of the Human Rights Bill.



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Manhunt stepped up for suspected Palestinian mastermind behind bombs



The two faces of Yehia Ayash, known as "The Engineer"

FROM CHRISTOPHER WALKER
IN JERUSALEM

THE Israeli security forces have launched one of the most intensive manhunts in the history of the Jewish state for a 29-year-old Palestinian, Yehia Ayash, who is suspected of masterminding the suicide car bombs that have killed 56 people and wounded more than 200 in the past 18 months.

Known in Hebrew and Arabic as "The Engineer", Mr Ayash, who studied electrical engineering at Bir Zeit University in the occupied West Bank, is believed to have become an

expert bomb maker on a trip to Iran three years ago.

After Sunday's double suicide attack near Netanya that killed 19 young Jews and both bombers, the Tel Aviv daily *Maariv* published a photograph of Mr Ayash under the headline: "Where is he hiding?"

Senior Israeli security sources said yesterday that he was believed to be living under cover in the West Bank, where he has become a legend among Palestinian militants who claim that he often travels disguised as a Jewish settler wearing a *yarmulke* and a false beard.

As well as manufacturing the

lethal suicide devices, Mr Ayash, who was a member of Hamas, the Islamic Resistance Movement, during his time at Bir Zeit is also claimed by Israeli intelligence to have planned last year's bombings in the Israeli towns of Afula, Hadera and Tel Aviv, and to have trained the bombers. Like those who carried out Sunday's attack, the suicide bombers were usually young Palestinian bachelors aged between 18 and 25.

"Dead or alive, this man will be caught," an Israeli army source said. He noted that Hamas and Islamic Jihad, which often work in unison, had only a limited amount of high

explosive and that attempts to acquire more would put their activists in jeopardy.

False sightings of "The Engineer" are commonplace in Israel, but Palestinian sources maintain that he rarely goes there. A trade mark of his explosive devices is that they can be concealed under clothing and detonated amid large, unsuspecting crowds of Jews like those at Beit Lid junction on Sunday morning.

According to a profile of suicide bombers by the Israeli security services, they are usually young men from poor homes. They tend to be fanatical Muslims who have been in

Israeli prisons or are members of families with close relatives killed by the Israelis during the Intifada. Many are considered to be under personal stress.

One senior Israeli officer said that intensive training was under way to teach personnel used to more conventional terrorists to counter the Muslim suicide attackers. At least 50 are believed available to carry out further attacks.

"It is not just a case of going in and hitting them," the officer said. "This is also what I would term 'a cultural war', and it has to be fought in a different way."

Israel to keep Jews and Arabs apart with fence

FROM CHRISTOPHER WALKER IN JERUSALEM

SENIOR Israeli officials announced controversial plans yesterday for a "separation fence" to divide Jews from Arabs in the West Bank. At the same time public pressure was increasing for an end to the peace talks with the Palestine Liberation Organisation.

A new opinion poll showed only 37 per cent of Israelis in favour of continuing the talks. The poll, conducted by the respected Mofim Institute in the wake of Sunday's suicide attack in which 19 Jews were killed, was a serious blow for Yitzhak Rabin, the Prime Minister. It showed that 50 per cent of Israelis agree with President Weizman's call for an immediate end to negotiations: 10 per cent of respondents were "don't knows" and 3 per cent refused to reply.

The fence proposal is being put forward to try to defuse the wave of anti-Arab feeling among ordinary Israelis. Senior ministers disclosed that the fence, and other separation proposals, would be considered by a new committee to be set up at next Sunday's Cabinet meeting. It will report within two months at most.

Even such leading Cabinet doves as Shimon Peres, the Foreign Minister, and Yossi Sarid, the Environment Minister, expressed support for the plan which, according to press leaks, will cost 700 million shekels (£152 million) and take a year to complete. "Without separation, it is doubtful that

we can ever achieve good neighbourly relations," said Mr Sarid, a member of Israel's negotiating team with the PLO. "Without separation, friction between us and the Palestinians will only grow."

"The fence will be for security, of course. But it will also be a demographic fence to divide us from them."

The length of the border is

about 90 miles. There is at present no proper demarcation line other than Israeli army road blocks. The so-called Green Line is notoriously porous, with many Palestinians daily crossing it illegally. Construction of a border fence around the Gaza Strip has already begun.

The first hint of the new separation policy came last

year after a Tel Aviv bus bomb killed 22 Jews. Then, in a rare emergency broadcast to the nation on Monday night, Mr Rabin said: "The path on which the Government is going, the way which wants to bring about an end to the rule over other people, must bring about separation, and not based on the pre-1967 borders. Jerusalem will remain united forever, and the security border of the State of Israel will be on the Jordan."

Senior political sources quoted by *Haaretz*, the leading Hebrew paper, said the fence would be set up inside the West Bank rather than along the pre-1967 frontier. Incorporated on the Israeli side would be Arab east Jerusalem, settlement suburbs on occupied land around the city, settlements in the Gush Etzion block south of Bethlehem, and settlements along the Green Line in the area of the Palestinian towns of Qalqilya and Tulkarm.

The planned fence, described by some critics as a step on the way to an Israeli version of apartheid and the death knell of ideas of reconciliation expressed at the time of the signing of the accord with the PLO only 16 months ago, has infuriated Palestinians and headline Jewish settlers. The Palestinians claim the fence can be viable only if they are given a Palestinian State.

Nabil Shaath, senior adviser to Yasser Arafat, the PLO chairman, said that without the creation of a Palestinian state, "separation" really means closure, which means siege and prison to the Palestinians.

Palestinians view any new physical barriers as an Israeli land grab and an attempt to pre-empt the final status negotiations on territory, including east Jerusalem, that are to begin next year. Samir Abdulrahman, head of a PLO aid agency, said: "If Israel is really serious about peace, there is no need for a fence or new measures."

Jewish settlers, most of whom would be trapped on the Arab side of the fence, which will be guarded by dogs and army patrols, dismissed the idea as a desperate attempt by Mr Rabin to regain credibility. "You cannot build a Berlin Wall," said Yehudit Tavar, spokeswoman for the council representing 144 settlements. "You cannot cut the country into pieces and say that is security."

In a new crackdown against Islamic militants, Israel has arrested more than 60 activists in the West Bank over the past two days. In the Gaza Strip, plainclothes Palestinian policemen yesterday briefly detained Shaikh Abdullah al-Shami, spiritual leader of Islamic Jihad, as he attended a celebratory wake for one of the two Arab suicide bombers who died in Sunday's attack.



Anti-abortion protesters march through Washington en route for the Supreme Court

Pro-life marchers mark legal landmark

Washington: Thousands of anti-abortion protesters marched from the White House to the Supreme Court, chanting prayers, shouting slogans and waving white crosses in an annual protest against the 1973 Supreme Court decision legalizing abortion.

"Rejoice, rejoice: my man was not pro-choice," many shouted as they walked through central Washington. "Abortion is not and never will be respectable," the march organiser, Nellie Gay, who is also president of March for Life Inc, said at a rally near the White House. "No one has the right to murder with impunity."

The marchers then knelt on the steps of the Supreme Court to pray as police in riot gear surveyed the crowd, estimated at 45,000. Later, 39 protesters were arrested after blocking a government building to demonstrate against foetal tissue research.

Activists on both sides were holding rallies, prayer vigils and demonstrations to mark Sunday's anniversary of the 1973 Roe vs. Wade ruling. Kate Michelman, president of the National Abortion and Reproductive Rights Action League, said the protesters were creating an atmosphere likely to provoke more shootings at abortion US and Canadian clinics, where four people were killed last year. (AP)

America freezes 'terrorist' assets

FROM TOM RHODES IN WASHINGTON

PRESIDENT Clinton yesterday issued an executive order freezing the American assets of 12 groups and 18 individuals suspected of terrorism and undermining the Middle East peace process.

The order, which also sought to restrict charitable donations to such groups in the United States, came in the aftermath of an Islamic suicide bombing last weekend which killed 18 soldiers and a

civilian in Israel and left scores of others wounded. Among the groups named were Islamic Jihad, which claimed responsibility for the attack in central Israel; Hamas, Hezbollah, Abu Nidal, Black September, the Fatah Revolutionary Council, Kach, the PLF and the Islamic Group.

Individuals named were Abu Abbas, director of the Palestine Liberation Front,

Abu Nidal, Shaikh Muhammad Hussain Fadlallah, leading ideologue of Hezbollah, and Ahmad Jibril, secretary general of the Popular Front for the Liberation of Palestine. The blind cleric Shaikh Omar Abdel Rahman, leader of the Islamic Group, currently on trial in New York for the bombing of the World Trade Centre, was also identified. Such restrictions have never been imposed on the IRA.

Kennedys mourn matriarch

BY TOM RHODES

THE funeral of Rose Fitzgerald Kennedy, matriarch of an American political dynasty, was held yesterday at the Boston church where she had been baptised 104 years before.

In a prolonged day of mourning, relatives had gathered at the family compound at Hyannis Port, on Cape Cod where Mrs Kennedy had died earlier this week from a pneumonia-related infection.

A procession, including Senator Edward Kennedy, the only surviving son, daughters Patricia Kennedy Lawford, Jean Kennedy Smith, the US Ambassador to Ireland, and Eunice Kennedy Shriver joined 28 grandchildren and 41 great grandchildren for the 70-mile journey to Old St Stephen's Church in the North End of Boston.

Mrs Kennedy was buried privately at Holyhood Cemetery next to her husband Joseph, who died in 1969.

Secret life, page 12

Clinton seeks favour with call to raise minimum wage

FROM MARTIN FLETCHER IN WASHINGTON

PRESIDENT CLINTON was taking a political gamble last night by including a call for an increased minimum wage in a State of the Union speech that was widely portrayed as his last best chance to put his presidency back on track.

In seeking to raise the minimum wage from \$4.25 (£2.70) to \$5 an hour over the next two years, Mr Clinton was seeking favour with the working poor and bolstering his support among core Democratic constituencies. He is anxious to avert a challenge for the Democrats' 1996 presidential nomination.

But the President ran the risk of undermining the much broader purpose of his nationally televised address to Congress, which was to re-establish himself as a centrist, forward-looking "New Democrat" fighting for middle-class interests.

Indeed, White House officials deliberately leaked word of the wage proposal in advance in the hope that it would be old news by the time Mr Clinton

spoke and not distract from his wider message. They said that Mr Clinton would mention the proposal only briefly, and portrayed it as a way of encouraging work not welfare.

Republicans contend that raising the minimum wage actually prices low-income workers out of jobs. Dick Army, the new Republican House leader, promised to resist Mr Clinton's proposal and his party seemed certain to cite it as evidence that for all his centrist rhetoric the president remains a "Big Government" liberal.

The Republicans were planning a major counter-offensive to blunt the impact.

In a break with tradition the official response was being delivered by Christine Todd Whitman, the New Jersey governor and rising Republican star. She was chosen as a symbol of how the Republicans are devolving power to the states, and how they are keeping their promises. On Monday Mrs Whitman announced she would fulfil her

1993 election pledge of a 30 per cent income tax reduction a year ahead of schedule.

The Republican House leadership was distributing "talking points" to its congressmen so they could respond instantly and in unison to Mr Clinton's address. The party was paying for satellite time so they could personally address their constituents. Elaborate arrangements were being made for conservative radio talk show hosts to broadcast from Capitol Hill or talk directly to top Republicans.

Mr Clinton will seek to capitalise on his address with an appearance in Pennsylvania today, while Cabinet members will fan out across the country.

In fact, attention is likely to switch rapidly to the Republicans' congressional agenda, with the House beginning debate today on the single most radical proposal in Newt Gingrich's "Contract with America", a constitutional amendment mandating a balanced federal budget.

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US colonel and son survive nine days eating snow

FROM REUTERS
IN BOLU, TURKEY

AN AMERICAN airman and his ten-year-old son, who were given up for dead in mountains in Turkey, were found safe yesterday after surviving on snow for nine days.

"I thought we were going to die if they didn't find us this morning. I was elated," Lieutenant-Colonel Michael Couillard, 37, said from his hospital bed.

He and his son, Matthew, sheltered in an icy crevice in sub-zero temperatures, police said. The pair were rescued by villagers in Bolu, northwestern Turkey. They found the exhausted officer in a forestry hut near their shelter.

More than 500 US and Turkish troops, backed by infra-red cameras and Sikorsky Black Hawk helicopters, had failed to find any trace of them during a weeklong search. The hunt was called off on Sunday, when they were given up for dead.

"Both of them are fine but the boy has a slight problem with his foot," Dr Feridun



Colonel Couillard clasps the hand of his son, Matthew, on the ambulance ride to Ankara

Sagiroglu said after examining them. Doctors said they were amazed the two had survived by eating only snow in the freezing temperatures. "It is medically impossible for them to survive for nine

days," said one. Colonel Couillard, smiling and dressed in a tracksuit, said he left his son in the crevice two days ago and skied down towards log cabins in the distance to raise the alarm.

"Unfortunately there were no people there and I didn't have any energy to move," he said. He was found by a forestry worker and villagers at the cabin yesterday. "I yelled and yelled and

fortunately the people saw me. As soon as they saw me I yelled again and they came," he said.

The rescuers then climbed to the crevice and pulled out his son. The pair were found about nine miles from the Kartalkaya ski resort, where they had become lost in fog on the 6,000-ft mountains during a Boy Scout ski trip on January 15.

Colonel Couillard, who was stationed at a joint military base in Ankara, had received wilderness survival training. Authorities said at the weekend that they expected troops to return to Kartalkaya to find the bodies of the missing pair when the snows melted.

Istanbul police arrested a Turk last week suspected of making hoax telephone calls claiming the pair had been abducted by Lebanese guerrillas. Officials also dismissed a series of telephone claims that the pair were being held by pro-Iranian guerrillas.

"We are overjoyed by this good news," the US Embassy said in a statement after the rescue.

'Suicide' of Kobe water chief as city struggles to cope

FROM GWEN ROBINSON IN TOKYO

TAKASHI NAKANISHI, the official responsible for restoring water supplies to the earthquake-devastated city of Kobe has apparently committed suicide by jumping from a fourth-storey window.

Mr Nakanishi, 57, who headed Kobe's water supply operations department, was found dead in front of his five building by colleagues yesterday morning. His death, the first reported suicide in Kobe since the quake struck western Japan a week ago.

The Cabinet yesterday declared the once-vibrant city a disaster zone. This means that the Government has effectively shouldered the huge costs of rebuilding.

Also yesterday, the Finance Ministry announced that it would reduce income tax for earthquake victims by between 25 and 100 per cent, depending on the extent of the damage to their property. If the cost of repair, after insurance payouts are deducted, is more than the taxpayer's income, no tax will be due for the current financial year.

Shocked local government officials said yesterday that

Mr Nakanishi's death was a reflection of the extreme distress under which the authorities had worked to restore basic services and cope with the refugee crisis after the disaster.

Mr Nakanishi had been working almost without cease, directing about 1,000 staff in efforts to restore Kobe's water supply. "But repairs have not been progressing smoothly," a senior official of the Kobe water department said. Cracked and broken pipes have also caused new leaks throughout the city's western region. Households and factories far beyond the immediate disaster area have also had their supplies disrupted, a government spokesman said in Tokyo.

The earthquake, which registered a magnitude of 7.2 on the Richter scale, caused at least 5,063 deaths and destroyed more than 50,000 buildings in Kobe and surrounding areas. Last night, 68 people were listed as still missing and 26,508 injured.

At least 20 per cent of the big office buildings in the city centre that survived the quake

were yesterday deemed to be unfit for use because of quake damage.

Severe water shortages and prolonged delays in restoring supplies have been criticised in the past week. Many critics blamed the extensive damage to buildings, and some deaths, on the water shortages that hampered firefighters for four days after the quake.

Now, the water shortages have generated fresh fears of disease as rotting rubbish piles up in the streets and about 370,000 survivors in makeshift refuges complain about the lack of water for showers and lavatories.

More than half the 650,000 households in Kobe city are still without water, and supplies have been disrupted to companies in the region, forcing factories to suspend operations. Some households and factories, although they continued to receive water immediately after the quake, complained on Monday that their supplies had been shut off days later.

City officials are also being blamed for the build-up of rubbish and for delays in fully restoring electricity, gas, telephone and transport services. Adding to their problems is the grim question of dealing with thousands of bodies which are decomposing rapidly because of the lack of chilling facilities in makeshift mortuaries.

Bodies are being cremated in accordance with Japanese tradition. However, crematoria are operating at full capacity and it is expected to take a month or more to dispose of all the bodies, said Masayuki Takahashi, who is the chief cremator at the Hyodori Funeral Hall, the city's largest crematorium. "We are trying to cremate as many bodies as possible each day," but requests for cremation are already well beyond our capacity," he said.

Gaddafi condemned for hurtful remarks

Tokyo: Japan is to make a formal protest over remarks by Colonel Muammar Gaddafi, the Libyan leader, that the earthquake which killed more than 6,000 people was "divine punishment" for Japan's ties to the United States.

On Monday, Libya's official JANA news agency quoted Colonel Gaddafi as saying that the earthquake was "certainly and undoubtedly a divine punishment... Japan used to hurry to donate its resources for the benefit of the Arabian resolutions of America against any nation

that America decided to suffocate. Japan provided the hanging noose with its money and with its economic resources."

Terasuke Terada, a Foreign Ministry spokesman in Tokyo, said Japan would lodge a formal protest with the Libyan Government through its embassy in Tripoli.

"Colonel Gaddafi's statement severely hurts the relatives of the victims of the earthquake disaster and is grossly lacking in international common sense," Mr Terada said.

Dissent signals delays for South Africa constitution

FROM MICHAEL HAMLYN IN CAPE TOWN

SOUTH African politicians yesterday began the task of drawing up a constitution to replace the interim version hammered out before last year's election.

Cyril Ramaphosa, the secretary-general of the African National Congress and chairman of the Constitutional Assembly, told members that the job is expected to be completed by May 1996, but dissent was soon apparent.

It was clear from MPs that a key difference divides the Government of National Unity. National Party members want enforced power-sharing to continue after the next election in 1999, while ANC members want the party that wins the most votes to rule. "Some form

of power-sharing is a necessity for South Africa," insisted Andre Fourie, a former National Party minister. Johnny de Lange, a senior ANC member, jeered at Mr Fourie: "You can take the word power-sharing, write it on your tummy, and cover it with a wet cloth, for you will never see it again."

The militants of the Pan Africanist Congress wanted to go even further, discarding unalterable principles built into the present constitution. Richard Sizani, of the PAC, declared that the principles fettered the masses in the interests of privileged groups.

Thabo Mbeki, acting president in the absence of President Mandela, opened the

debate by calling for a constitution that restored the rights of people who had been exploited by apartheid; returned land to those deprived of it under apartheid; ensured affairs of state were non-racial, and ensured a representative and independent judiciary.

Roelf Meyer, the National Party Minister of Constitutional Development and Provincial Affairs in the coalition Cabinet, asked that the power of the provinces be governed by the principle of subsidiarity, devolving power to the lowest possible level compatible with efficiency.

The Inkatha Freedom Party is lobbying for a federal constitution. "It is," said L. P. H. M. Mthembu, "the only system that will work. The new constitution must break the mould of this centralism and authoritarianism."

Public opinion will also be sought. Advertisements are being prepared, calling for submissions.

Defeat: President Mandela arrived in Delhi at the start of a state visit yesterday, saying he wanted to strengthen ties with India. Mr Mandela, wearing dark glasses and accompanied by a granddaughter of Mahatma Gandhi, was met by Salman Khursheed, the junior Foreign Minister. (Reuters)



Ramaphosa: expects job to be completed by 1996



Mbeki: wants people's rights restored

Canadian salmon kill power project

FROM ASSOCIATED PRESS IN VANCOUVER

THE Government of British Columbia is scrapping a massive hydroelectric project because of a threat to dwindling salmon stocks.

The half-built Kemano Completion Project was an environmental disaster waiting to happen, Mike Harcourt, the Premier, said yesterday. He compared its potential impact with the devastating collapse of the Atlantic cod fishery. "We won't take that chance," he said.

The unfinished \$915-million Alcan Smelters and Chemicals project to power the company's aluminium smelter at Kitimat, will remain a giant hole in a northwestern mountain, Mr Harcourt said.

"The Fraser River system is the heart and soul of our province and we'll take action over the coming months to ensure it is never again sold out from the people and communities who depend on it for their way of life," he said.

Montreal-based Alcan released a statement saying it was disappointed with the decision and wanted to discuss the matter with provincial and federal government officials. Analysts have said that the aluminium giant could seek compensation for its \$376-million investment in the project so far, as well as for lost future profits. Mr Harcourt said the federal Government would have primary responsibility for any compensation to Alcan.

"This is just one more signal that business is not wanted in British Columbia," said Gary Livingstone, president of the B.C. Mining Association.

Environmentalists, fishermen and tribal leaders were thrilled with the resolution of their decade-long fight against one of the largest private construction projects in Canadian history. But community leaders were furious in Kitimat, 400 miles northwest of Vancouver. About one in three of the city's 12,000 residents works for Alcan.



A tearful Kris Aquino apologises on television for causing a family scandal

Family affair besets Aquinos

Manila: Corazon Aquino, former President of the Philippines, is prepared to be reconciled with her daughter Kris, an actress, only if she breaks off with the married man who made her pregnant, a family source said here yesterday.

The source, who asked not to be identified, was commenting on Miss Aquino's tearful appearance on national television on Monday night when she apologised for

causing a family scandal. Sobbing before millions of viewers, she said she had no regrets about becoming pregnant by a man twice her age.

Miss Aquino, 23, has been estranged from her family since November, when she left home to live with Philip Salvador, an actor who has two children by his legal wife and a third by another woman. Filipinos generally accept extramarital affairs by men, but the spectacle of a

daughter of a former President known for her rigid moral standards publicly admitting being a married man's mistress has provoked national debate.

Miss Aquino compounded her personal problems when she invited Ferdinand "Bong Bong" Marcos Jr, a congressman and son of the late authoritarian ruler, on her television chat show and the two gave each other a friendly kiss. (Reuters)

Basque deputy mourned

Thousands of people stood outside city halls and observed five minutes silence at midday yesterday in protest at the killing on Monday by an Eta terrorist of Gregorio Ordóñez, San Sebastian's most popular politician, who was expected to be elected mayor in May on behalf of the right-wing Popular Party (Edward Owen writes).

His main opposition was a candidate from Herri Batasuna, the political wing of Eta. Yesterday the Basque separatist party was the only one not to condemn the assassination, although a party spokeswoman in the Basque parliament broke ranks to voice her "personal" disgust.

Plot scrambled

Saint Brieuc: Ian Ferguson, 49, a British company director has been jailed in absentia for three years after he was found guilty of swindling a dozen French egg producers out of about £625,000. (AFP)

Change of heart

Paris: Simone Veil, the French Social Affairs Minister who survived Auschwitz and had declined to attend ceremonies to mark its liberation, has agreed to represent France after all. (Reuters)

Two freed

Freetown: Sierra Leone rebels freed a Russian and a Sierra Leone national, raising hopes for the release of Robert D'Cruz and Calum Murray, British aid workers seized in November. (Reuters)

Hope for Deng

Hong Kong: Doctors caring for Deng Xiaoping, 90, China's ailing leader, say they can keep him alive for at least three to four months, the South China Morning Post reported. (Reuters)

Dhaka blasts

Dhaka: Two small bombs exploded on the motorcade route of Begum Khalida Zia, Bangladesh's Prime Minister, during a half-day strike called by opposition parties. No one was hurt. (Reuters)

King reinstated

Maseru: After five years in exile, Moshoeshoe II will regain Lesotho's throne today when his son, Letsie III, abdicates. Letsie staged a coup last year aimed at having him reinstated. (AFP)

Fire water

London: A former nuclear power station in the Crimea has been converted to a vodka bottling plant after other conversion projects, such as clothing and fish factories, were rejected. (AFP)

Singapore leader renews threat to critics

Singapore: Goh Chok Tong, Singapore's Prime Minister, warned critics of his Government to expect a "very, very hard blow" in return. "I think that's fair," he added. "If you land us a blow on our jaw, you must expect a counter-blow on your solar plexus."

His outburst on Monday night was the fourth time in less than two months that he has said that he will not tolerate criticism that undermines the authority of the Government. Singapore's ruling People's Action Party, in power since 1959, is unused to criticism, and appeared unsettled when Catherine Lim, a local author, wrote a critical article last November 20. She said the Government seemed to suffer

from an internal conflict between Mr Goh's people-orientated approach and the stern no-nonsense style of his predecessor, Lee Kuan Yew, who still plays a significant role in Government.

Mr Goh said on Monday that people who wanted to criticise the Government must first enter the political arena. He was answering a question by Walter Woon, an independent MP, who wanted to know if it was the Government's policy to silence critics.

Mr Goh replied that the Government welcomed debate, but its response would vary according to the tone and the motive of the critic. "Well-meaning people who put forth their views in a very well-

meaning way will receive a very gentle and very well-meaning reply," he said. "But if the tone is sarcastic, the tone aims at undermining respect for the Government, we will return the compliment."

Mr Goh's warnings to potential critics appear intended to continue Mr Lee's legacy of hard-nosed politics that brook no dissent, dishonesty or mediocrity. Mr Lee was in power from 1959 to 1990.

Last week Singapore's high court fined an American scholar for contempt of court because he wrote an article deemed to have criticised the city-state's judiciary. Also fined were executives of the International Herald Tribune, which printed the article by Christopher Lingle. (AP)

Detained Burmese dissident shuns secret deal as talks stall

FROM AGENCY FRANCE-PRESSE IN RANGOON

TALKS between Burma's military rulers and Aung San Suu Kyi, who is now in her sixth year of house arrest. Her carefully-phrased message emphasised that there would be "no secret deals" with the junta, the State Law and Order Restoration Council (SLORC), and that her goal remained the establishment of a "truly democratic political system in Burma."

A source familiar with both sides said contacts to date amounted to little more than a reaffirmation of their respective positions, with the SLORC defending its achievements and Aung San Suu Kyi focusing on democratic principles. If there is no progress or

further meetings, the junta could face increased international pressure, rather than the increased access to international aid and acceptance it has been seeking, analysts said.

But the SLORC might forestall an outcry by allowing the International Committee for the Red Cross to visit political detainees at Insein Prison.

The junta has backed away from releasing Daw San Suu Kyi, the 49-year-old Nobel Peace Prize laureate, and has created confusion over the legal basis for her detention as well as the maximum period allowed.

Foreign army ban for Britons urged

BY MICHAEL BINYON, DIPLOMATIC EDITOR

LORD Avebury, a leading human rights campaigner, is to propose amending a long-standing law preventing British citizens from enlisting in foreign armies so that British passport holders would also be forbidden to serve in foreign security forces.

His move follows a letter he wrote to Douglas Hogg, the Minister of State at the Foreign Office, expressing concern at the employment by the Bahrain Government of Ian Henderson, a British citizen who holds a senior position in the country's security apparatus.

Lord Avebury said that the three Bahraini Shia dissidents, who recently applied for political asylum in Britain, had told him that some people in Bahrain thought that Mr Henderson's role meant that

Britain supported the al-Khalifa Government.

"The presence of a British citizen in the top levels of another state's security forces makes it seem as though we officially support their methods of dealing with dissent," Lord Avebury said. "It makes one feel extremely uncomfortable to be associated, however remotely, with the extra-judicial killings, torture and arbitrary detention now being practised in Bahrain."

Lord Avebury intends to consult legal experts in the House of Lords to see how the 1870 Foreign Enlistment Act can be broadened to include serving in foreign security services.

There was a considerable outcry in Britain and elsewhere over the role of Major Bob Astles who was a special

adviser to the Ugandan dictator, Idi Amin, and was accused of involvement in thousands of atrocities.

Lord Avebury said in his letter that Shaikh Ali Salman, whose arrest in December sparked widespread demonstrations, was alternately interrogated and beaten while forced to stand from 7am until 8pm on his first day in custody. He was handcuffed during the 22 days in the interrogation centre and then moved to a very small cell.

In a letter to Douglas Hurd, Lord Avebury also asked the Foreign Secretary not to give in to pressure by Shaikh Muhammad al-Khalifa, the Foreign Minister, who arrives here on Friday to discuss the three dissidents' request for asylum.

He asked Mr Hurd to point

out to Shaikh al-Khalifa that, according to the Convention Relating to the Status of Refugees, Bahrain was in breach of its obligations under international law by expelling its own citizens.

The opposition Bahrain Freedom Movement, based in London, said that demonstrations continued last week in several towns and villages in Bahrain, and police used batons and tear gas to break up the crowds.

The London-based newspaper al-Hayat said that Bahrain had warned Britain that granting asylum to the dissidents might harm relations between the two countries.

A decision will be taken by the Home Office, but the Foreign Office and M15 can submit their own advice to the Home Secretary.

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The secret life of Rose Kennedy

Nigel Hammond reveals the bitter, disappointed woman behind a carefully cultivated image of saintly devotion

Who is the real Rose Kennedy? And why is any open discussion of the facts of her life considered, among the Kennedys, even today, a form of lese-majesté? She was born Rose Elizabeth Fitzgerald in the North End of Boston on July 22, 1890, the eldest child of a brilliant and politically ambitious customs clerk, John F. Fitzgerald. By the time she was five, her father was a U.S. congressman — the only Democrat from Massachusetts.

"Princess Rose" as she was dubbed, truly adored and compassionate father. She had, however, inherited his stubborn will. At a Democratic get-together in Maine, in the summer of 1906, when she was 16, she met and fell in love with Joseph P. Kennedy, the overbearing 18-year-old son of Patrick Kennedy, the backroom boss of East Boston.

She bolted the bedroom door for the rest of husband Joe's life

into the WASP world of high finance. Joe had insisted that they live in Brookline, a non-Irish suburb. There, in a little clapboard house at the end of an unfinished street, Rose attempted to bring up her son Joe Jr (born nine months after their marriage) on her own, since Joe claimed to be working 18 hours a day at his East Boston Irish bank.

By the beginning of 1920, with a fourth child on the way, Rose decided she could stand it no longer. Plucking up her courage, she ran away from home: an extraordinary act of defiance at the time for a Roman Catholic and daughter of a distinguished politician.

In her memoirs, *Times to Remember*, published in 1974, Rose Kennedy understandably declined to mention her marital and mental breakdown. Returning to her husband in the spring of 1921, she gave birth, over the ensuing 12 years, six more times. But although as a dutiful Irish Catholic she could not deny Joe his

rights of procreation, she insisted upon separate bedrooms, and then, after the birth of Edward in 1932, bolted her bedroom door for the rest of Joe's life. By travelling around the world on her own or with her sister, and spending as little time as possible at home with her husband, Rose was able not only to avoid him, but also to close her eyes and ears to the highly questionable things she saw and heard Kennedy doing on the stock exchange.

Julia Llewellyn Smith meets the world's best bridge player, in London for a final showdown

Bob Hamman's dealings with his fellow men are guided by the simplest of philosophies. "You want to embarrass and humiliate and disgrace them, in no particular order. If one or two of them try to jump off a high building as a consequence, it's not my responsibility."

He sounds like the most sadistic drill sergeant. He is, in fact, the best bridge player in the world, an accolade he acknowledges with a faint, dismissive grin. "A legend in my own mind, that's me," he says.

Not just in his own mind, but throughout the whole of the bridge world, who at the last Olympiad voted this large, sardonic man the greatest living player. "The joke is, you ask all the experts who the second best player is, since they all think that they are the number one," says one participant. "But Hamman is undoubtedly the best ever."

He has the trophies to prove it: six Bermuda Bowls (the world championship) and eight other world titles. Since 1985, Hamman, 56, has been first in World Bridge Federation rankings. Now he is in London, chasing the one title that has eluded him: the Macallan International Bridge Pairs Championship.

He and his partner, Bobby Wolff, are up against 15 of the best pairs in the world, including the double world champion and multimillionaire Seymour Deutch, paired with Michael Rosenberg, and Omar Sharif, paired for the first time with the flamboyant Zia Mahmood.

Hamman, unfresh from the overnight flight from Dallas, has one message for his opponents: "I've come to make their lives miserable by giving them a thrashing they may not deserve. In other words, bury

Big bad Bob is here to make his play



Bob Hamman: "I hate all my opponents"

the bastards." He giggles infectious. "I hate them all."

The feeling is not mutual. Everyone at TCR's bridge club in Marble Arch, where we meet, tells me how honest big, bad Bob is, how good-natured and how kind to his employees at his risks insurance business at home in Dallas.

None of which I repeat to Hamman, as it would wreck havoc with his street credibility. "If the public image of bridge is of a social game that is 85 per cent mindless chit-chat, they are greatly in error," he tells me, gulping down some scrambled eggs. "It's tough, it's meat, it's a nasty game."

It is a game he has been enjoying since he discovered it in 1957 when he was an engineering student at UCLA. In his native California, once hooked, it took him five years to complete his second year in college. He never took his degree and has been obsessed ever since. "I'll stop when they put me in the ground," he draws.

Today, Hamman lives in Dallas with his wife, Petra, a bridge teacher. "Despite her training in five-card majors and forcing no trumps, she was able to convert to the four-card majors that I love," he

writes in his autobiography *At the Table*. "Talk about accommodations."

He spends about two months of the year on the tournament circuit, but, despite his devotion, has never turned professional. "I don't want to play in bad tourna-

ments merely to survive. Anyway, the money's very minor in bridge compared with other sports: the Macallan championships will share only \$4,000 and the world championship carries no cash prize. No, money's not the motivation — the motivation is ego."

His ego has been massaged enough for him to have relaxed the rigorous training programme that he followed in the 1970s when he was one of the Aces, a hand-picked "superteam" groomed to thrash the world. "If you have won as many championships as I have, you do lose a little bit of hunger. I think a lot about ways to improve and when I'm at the table I'm as mean as ever, but I don't put as much effort into the preparation now."

Instead, Hamman relies on his years of experience. "But stamina is vital, too: in the sixth hour of the seventh day of a tournament, something more primal than the actual desire to play well has got to keep you going and maybe it's the desire not to see the other bastard win."

To this end, Hamman has perfected an astonishing concentration. "He can shut out of his mind anything that's just happened," says one player.

never denied the relationship in private, indeed was in the habit, in later years, of boasting of it. For the most part, however, Rose refused to live with Joe or her children, who were sent away to boarding school. In the six years after Joe's affair with Swanson she went abroad 17 times.

The most memorable chapter of Rose's otherwise sad and stoic life was her 18-month sojourn in London, when Joe's long campaign to be given the US ambassadorship to Britain had finally succeeded. In March 1938, just before Hitler's march into Austria, the Kennedys moved into the official residence in Prince's Gate.

Now, at last, she could not only wear her finery, but cock a snook at those American snobs who had looked down upon her as a parvenu — even encouraging her husband to abolish, as his first ambassadorial act, the presentation of well-to-do American daughters at the royal court, while reserving the privilege for her own daughters and those of the embassy staff.

Rose wore a genuine diamond tiara, attended functions with members of the Royal Family, the Prime Minister, aristocrats and diplomats. She gave a dinner for the King and Queen and prided herself on her qualities as diplomatic hostess.

admiringly. "There can be a disaster on one hand but he must put all his best efforts into the next one. His wife could have been killed in a car crash and an hour later he would still play his best bridge."

"W...e...ll," muses Hamman, when I put this example to him. "Maybe not." He smiles. "I'm pretty good at it, though. My view is that whatever you are doing there are certain things you can and can't influence, and if you waste a lot of energy on things you can't affect, you consequently have much less energy for things you can."

He laughs uproariously and then lowers his voice, as a chain-smoking four nearby hiss at him to be quiet. "I would like to think I have a certain amount of skill at the game over and above the 900th gorilla approach."

It takes a bit of time to get used to Hamman's deadpan style, to realise that he is full of bravado. "There's lots of room for everybody to get better in bridge. The best player plays terribly and the rest play worse. It's not a game like chess where the best player always wins."

"Being told you are the best in the world is not necessarily a good thing. That's a judgment that's always based on what has happened the day before and that doesn't really have a hell of a lot of bearing on what is happening today. If you ask yourself, 'Are you perfect?' — the answer is not even close. But if I ask 'Are you pretty good?' the answer's yeah."

©The 1995 Macallan International Bridge Pairs Championship in association with The Times and The Sunday Times from tonight until Friday at the White House Hotel, Albany Street, Regent's Park, London NW1 0JL 387 1200.

Hail, closet Scots

Burns-Night confessions of an Anglo-Angus

Street, St Andrews, shouting "Look at me!" Perhaps it is to do with being lowland stock. My father was the draper's son in Cupar, Fife. Ever since a happy discovery at some industrial talking-shop years ago, I have a small ritual with Sir Bob Reid of British Rail at



LIBBY PURVES

our rare encounters. He comes over and says "Purves the draper!" and I reply "Reid the butcher, three doors down, wasn't it?" That is enough.

MY FATHER, two uncles and aunt all went to St Andrews University in the Thirties. The story is that my aunt offered to stay home and look after her widowed father, but he would not hear of it: she must be educated. From her character, and my father's and uncles', I grew up thinking of Scottishness as a matter of quiet courtesy, dry humour and respect for language, law, scholarship and engineering. Two tartanry was a horror to my father: when, three years after his death, we sailed our boat around Britain, I found I had to avert my eyes from the painted sign on the walls of the Crinan Canal saying

"HASTE YE BAK!"

That was a god trip for a half-breed. In a small boat you nibble apologetically at the edges of a county, an outsider grateful for shelter. We took a month to creep round Scotland from the Orkney to the Fife via Orkney, and all the way we read Scottish history, literature and legend from the '45 rebellion to the decline of the herring fleet; it had conversations on the water and coddled shows in seamen's missions.

In the West we became so wrapped up in the terrible stories of the fearances that we could no longer set foot in any Anglo-barrical show castles, or bear the sight of the antlers on the walls, because of the people who were chased off their land to make way for the Great Sheep and the sportsmen's deer.

On Skye I mesome Canadians in search of their roots, and realised for the first time that their clan-and-tartan obsession, at first glance nafter than that of the English Rorvs, was in fact more justifiable. Their great-great-grandfathers, after all, were robbed blind by the forebears of our preening English lairdlings.

On Orkney we saw wild reals and listened respectfully to legends. In the eastern fishing ports heard, among the victims' horn towns, the reports of the fier Alpha disaster. At last, we sailed into St Andrews and paid a last homage to the indefinable, admirable, dogged national spirit.

Then we sailed home. Never — except by an aberrant impulse today which I shall probably regret — to dare boast of Scottish roots. I just wanted to say hell to all the rest of you secret diffident mongrel Scots out there. Terrible taste, really.

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Where will £300 buy all the key outfits for spring and summer? At the new-look Dorothy Perkins

Supermodel takes to the high street

Everybody, says Stuart Rose, the chief executive at Dorothy Perkins, wants fashion. "But today one thing has changed. The customer will no longer pay silly prices." With the couture shows in Paris this week featuring dresses which can cost as much as a family house, the price tags at Dorothy Perkins appear positively Mickey Mouse. The outfits featured on this page provide everything needed to fill this season's wardrobe: a tailored skirt suit in pinstripes, another in pastel pink, a flirty floral dress, a slim black skirt (flowing around the knee), a vest, a pair of 1940s-style shorts, a plain shirt, an ice-cream-satin dress, and a 1950s-style broderie anglaise vest. The total cost is under £300 — less than the price of a house on a couture dress. The Dorothy Perkins range, with prices from £2 to £70 — as all the key pieces for the season ahead, in keeping with fashion's renewed mood of ultra-femininity. The 1950s retro look is assured, with snug-fitting cat-style jeans worn with gingham bra tops or tiny striped T-shirts under big white shirts.



Fashion
IAIN R. WEBB

noted at the midriff. Very rightie Bardot. This summer dresses are important, and Dorothy Perkins has various styles which make the grade: cute Jackie Kennedy square-necked, sleeveless sundresses, understated and crisp-looking. Long, floral-patterned floaty dresses with fine shoestring straps. Alternatively, silky, lingerie-look slip dresses take their inspiration from those shown by Calvin Klein and Donna Karan on their catwalks in New York. Pretty, simple and of the moment.

What is more remarkable is that until last year the brand had lost the plot when it came to fashion, falling far behind its counterparts in the high street. "The clock had stopped at Dorothy Perkins," Mr Rose admits. In the 1960s and 1970s the store built its reputation on being a place where you could find affordable fashion. However, with the onslaught of the Next generation high-street retailers in the 1980s, where every other store offered designer product at a price, the bubble burst for Dorothy Perkins.

For the largest womenswear multiple in the United Kingdom (with about 560 branches across the country), a minor facelift wasn't enough: major surgery was necessary. So the company set out to reposition itself in the market and, more importantly, to rediscover the needs of its customer. Taking £400 as her average yearly clothes budget, the team began to build and edit a wardrobe that would fit the bill. With the merchandise sorted, it was then necessary to rethink the stores. Project Bonanza was set into action, and at



the end of last year, 275 stores were refurbished within six weeks. "All we wanted was a pleasant environment in which to shop and glass," Mr Rose says. "With everything in place, the final PR card was dealt. "We needed something

to make people talk about Dorothy Perkins again." Enter supermodel Helena Christensen and fashion photographer Kim Knott. Immediately, the combination of the glamorous Christensen and Vogue snapper Knott had the desired effect. When posters and advertisements appeared featuring the new look, they were instantly talked about. The autumn/winter collection was a hit, and the partnership continues for spring/summer.

They wanted a model who wasn't too cool, or too distant, Mr Rose says. "Christensen is approachable. She could just possibly be a girl somebody you know is going out with. She helped to change perceptions. It made people take a fresh look at the label, but the real follow-through is still the product." Customers are buying. It is not unusual for a successful item in the range — a skirt or jacket — to sell as many as 40,000 times. While sticking to its original brief, the company has successfully shifted gear into the 1990s, updating its fashionability, providing an upmarket image without sending prices soaring.

Photographs by KIM KNOTT
Make-up by Sarah Roygate
Hair by Ken O'Rourke



ABOVE: Pink linen jacket, £44.99; matching straight skirt, £19.99; pink satin body, £14.99; all available from March.
LEFT: Navy pinstripe jacket, £34.99; matching skirt, £21.99; red belt, £2.50.
BELOW LEFT: Cream cardigan, £19.99; matching jumper, £14.99; both available from March.
Navy pencil skirt, £14.99; white belt, £2.50.
FAR LEFT: Floral slip dress, £24.99, available from April.
Cream cardigan as above.
FAR LEFT, TOP: White shorts, £15.99; white lace bustier, £18.99, both available from March. Blue shirt, £24.99.
All clothes and accessories available from Dorothy Perkins, 379 Oxford Street, W1 and branches nationwide (customer inquiries 0171-291 2804).

HOTLINE

● BRIGHT young things Abe Hamilton, Sonnetag Mulligan and Sonja Nuttall are staging a three-day sample sale. Fans of the New Generation fashion designers can browse through rails of Hamilton's ethereal dresses, modern tailoring from Sonnetag Mulligan and Nuttall's "got to have it" collection of stunningly simple separates. The sale is on January 27 (12-5pm), 28 and 29 (both 10am-7pm) at 14 Gess Court, St Christopher's Place, London W1.

● BUYING a new bra can be an irritating business. Often the outside of the box bears little relation to its contents. Sizes outside the average 32A to 36C range are inadequately stocked, and colour codes can be misleading. BHS has solved this with a new range in boxes carrying clear views of front, back and side and correct shade details, and a size range from 30AA to 42F. Prices are from £4 to £9 and do not rise with size. Available from all stores at the end of January, along with a breast cancer care leaflet.

● ONE of London's best-kept secrets is the kimono shop Asahi. For years fashion designers and stylists have plundered its vast collection of vintage kimonos. Both John Galiano and Yohji Yamamoto's 1994 winter collections were inspired by the kimono. Yamamoto concentrated on long, vast shapes while Galiano teased with short lengths. Asahi, 44a Kensington Church Street, London W8. Prices from £20.

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Taking Prudence to its limits

Melvyn Marckus on the man who lived for the Prudential

Vestiges of fog still surround Monday's abrupt exit of Mick Newmarch as chief executive of the Prudential, Britain's largest insurance combine (with £75 billion under management). The statement that accompanied his departure from the company's lavishly modernised red-brick HQ in High Holborn raised almost as many questions as it answered. According to the five-paragraph bulletin, the directors had "reluctantly accepted" Mr Newmarch's resignation. Big Mick, as he is known in a wide financial circle, had "explained" to the board that the relationship between the City's financial services regulators and "himself and the company" had become "unacceptable". This, he felt, put him in an "unacceptable" position as chief executive. The temptation, courtesy of the Pru's prose, to describe Mr Newmarch as the "unacceptable face of the Pru" was as irresistible as it was unfair.

Then came the killer paragraph: "In addition, the Stock Exchange had asked a number of questions relating to Mr Newmarch's transactions in the Prudential's shares last October, when he netted a profit of £203,000. The Pru duly pointed out that directors' share dealings are governed by the company's rules, which 'fully comply' with Stock Exchange requirements. It was stressed that both Mr Newmarch and the Pru believe they have 'acted properly'."

Such was the corporate epithet, the tortuous culmination of an equally tortuous 54-hour board debate. Sir Brian Corby, the chairman who has picked up the executive reins as the search starts for a successor, attempted to guide *The Times* through Holborn's pea soup. According to him, Mr Newmarch had decided that "enough is enough". A considerable amount of his time and energy had been devoted to regulatory matters, rather than where Big Mick felt his duties lay: in the improvement of benefits to some 6 million policyholders. Sir Brian spoke of the "stress" Mr Newmarch had been under.

Despite a three-year rolling contract, his choosing to resign rules out the £2.5 million payout that his £834,000 remuneration might otherwise have entitled him to.

Mr Newmarch appears to have waged war on too many fronts. With formidable determination, he attempted, almost singlehandedly, to change the structure of the City's regulatory authorities overseeing the insurance and pension industries. He hit the headlines when he said that a statutory approach would be preferable to the existing self-regulation.

His call fell on deaf ears in Westminster, but he remained implacably opposed to the formation of the Personal Investment Authority, created to protect the private investor. Other financial institutions, such as the Halifax, Standard Life and Lloyds Bank, expressed reservations, but

Newmarch adopted the hard-line approach. Rival institutions eventually joined the PIA, but Newmarch insisted, in accordance with the rules, that the Pru should be regulated directly by the Securities & Investments Board, the City's principal watchdog.

But the scandal of the mis-selling of pensions, through-out the industry, backfired, rightly or wrongly, on Newmarch. A leaked memo last summer from Lauro, the life assurance and unit trust regulator, revealed that the Pru had been under investigation since last April over its procedures for selling personal pension plans. According to the memo, there was evidence, come June 24, "of significant cause for concern that, although the Prudential's sales force had generally followed the company's procedures, the practices in use did pose a risk and had, in a significant number of cases, caused actual harm to investors."

The blunt response from the Pru, in a statement indelibly associated with Newmarch's stand, was: "We have always behaved properly with regard to the selling of pension transfers and therefore we have felt no need to make specific provisions against possible mis-selling of these products. No contact we have had with Lauro would indicate to us we ought to change our views."

Corporate exits are generally more fascinating than entrances, but Newmarch will be remembered for both. Invariably introduced at cocktail parties as "The man from the Pru", he was in reality a man of the Pru. He joined the insurance combine in 1955 at the age of 17, with three A-levels from Tottenham Grammar School. Night classes brought him an economics degree, and legend has it that at 29 he decided that he could, and would, run the company.

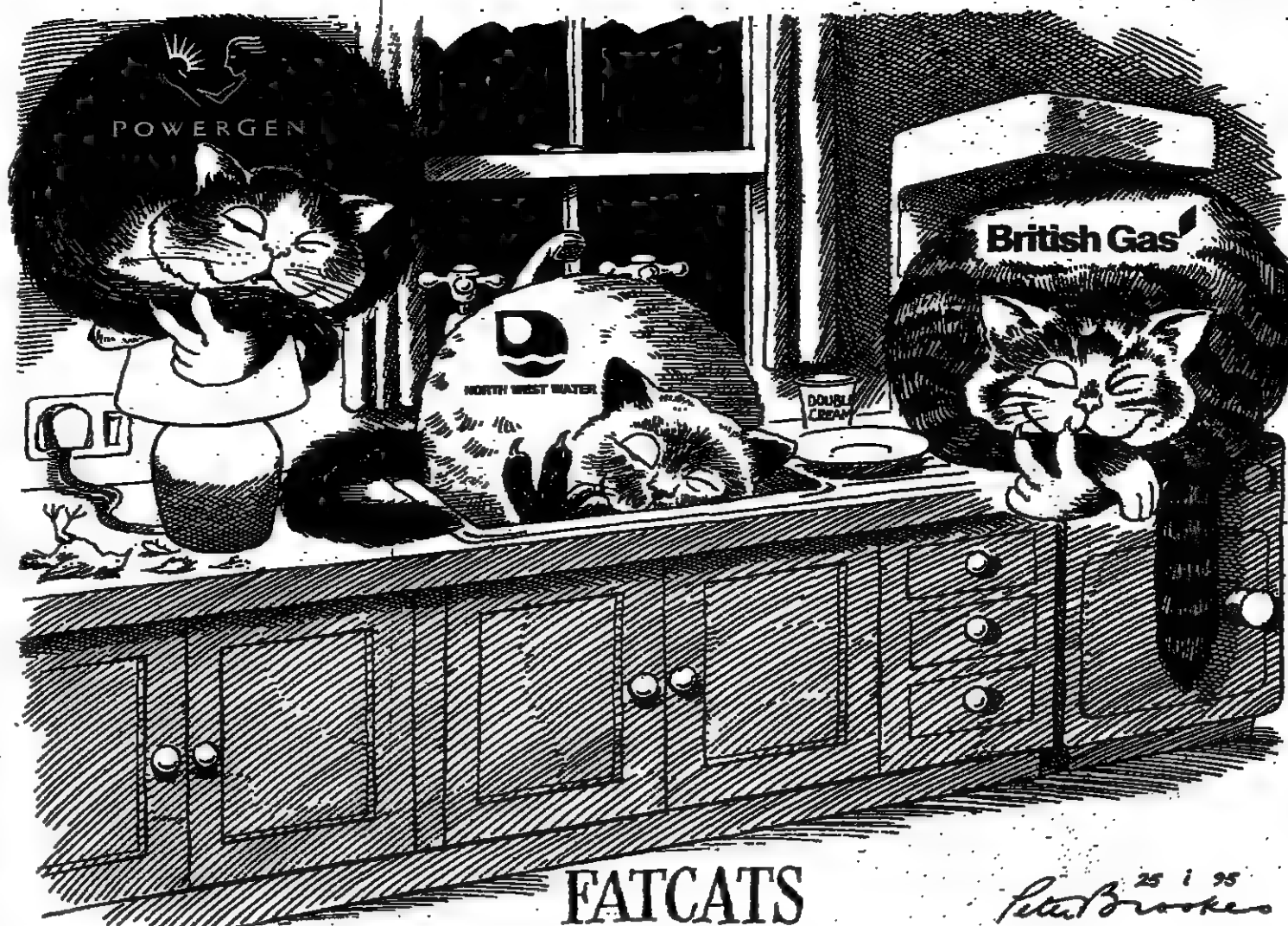
Under his direction, the Pru's unsuccessful diversification into the estate agency business was swiftly disposed of, with a £340 million loss. His description of his corporate inheritance — "It was like taking over a garden that had got out of hand" — was hardly received with rapture by the Pru's hierarchy.

Within a year, Newmarch found himself defending a 43 per cent salary increase, to £543,000, in the wake of a sharp fall in profits. His response to hostile shareholders at the AGM was far from conciliatory.

Mr Newmarch's many critics perceive him as a bully, but few deny his clear thinking. Michael Lawrence, chief executive of the Stock Exchange and former finance director of the Pru, said not long ago: "He is not always as humble as he might be, and that makes it difficult for him to compromise."

At 56, he can be expected to devote more time to his passion for salmon and trout fishing, combined with bird-watching. What is acknowledged in the City is that Holborn has lost a chief executive who lived and breathed the Pru.

He joined the company at just 17 years old



Taking the rise out of us

The utilities' directors are not in a free market, and do not deserve their pay

Pay is the sexual attractant of commerce. Everybody wants more of it, and will talk any amount of rubbish to get it. That is the way the world goes round.

Yesterday the Commons aspired to new heights of hypocrisy. Its employment committee began an investigation into the large salary rises of gas, electricity and water executives since privatisation. It hoped to blame the executives. Yet the rises are Parliament's fault. It determined the form of regulation of the new private monopolies. It decided to sell the industries cheap, giving a juicy uplift to executive option schemes. It imposed no restraint through regulation on these options or on the related, astonishing, salary increases for the existing executives.

The first law of pay is that those who fix their own are likely to err on the generous side. In the 1960s and 1970s, British executives exercised some restraint. One reason was that basic pay was heavily taxed: executives preferred to be rewarded with cars, villas and yachts. Another was that some link to pay and pay rises of subordinate staff was thought good practice, given the militancy of unions and the risk of government intervention. The Thatcher years wiped clean "the unacceptable face of capitalism". Telephone number salaries became a matter of self-esteem. From buildings societies to pension funds, the moral brakes were off. Executives rushed headlong to the trough.

The figures were astonishing. Between 1984 and 1993, average earnings rose 90 per cent and senior executive pay 240 per cent (according to Hay MSL). By far the worst offenders were the privatised utilities. I have a Black Museum of the arguments used by their executives to justify their self-indulgence. Most would fail the simplest GCSE economics test. Water company executives, without any intention of changing jobs, claim a 100 per cent pay rise — "as we are now in a free market". An electricity board member claimed £250,000 in options as part of an "incentives" package, the only conceivable incentive being to turn up for work. A gas executive received a large "performance bonus" following a price rise allowed by a government regulator. Another apparently needed the money because the company now "operated worldwide". Then there is the "market capitalisation" comparison be-

lived of asset-rich building societies and pension funds. Capitalisation has nothing whatever to do with workload, executive responsibility or competitive risk. It is pure hooey to con shareholders and ministers.

When Cedric Brown's pay rise from British Gas was in the news last year, his chairman, Richard Giordano, justified it as indicating that British Gas was in the big league for recruitment. It symbolised the company's prestige, and was, by implication, nothing to do with Mr Brown's personal needs or workload. Mr Giordano was paying himself £450,000 for this and other part-time advice as the non-executive chairman, presumably also as his contribution to corporate status.

Such arguments deftly externalise avarice. Benefit is made to seem impersonal, a selfless — indeed an embarrassing — gesture for the good of the company and its future executive wellbeing. On radio yesterday I heard a spokesman excusing super-salaries as unimportant since they were so small a share of the total payroll. Each gas fitter might say the same of his own pay rise. Robert Maxwell once gave a shrewd reply to an interviewer who asked what was the hardest thing about making a million pounds. He said the hardest moment came when he had already made half a million. He had to stop loving work and start loving money. The number of top executives who really shift jobs restlessly in search of that second half million is minuscule. Their motives may be mixed. I would rather they simply admitted that money was going begging and they took it, rather than have them abuse the frail science of economics.

Complain about these salaries to those involved and they come up with a fine line in macho rhetoric. Britain, they say, is cursed with a meanly-mouthed hatred of reward. The country should stop the "rate for the job", reward excellence, stop whingeing and respect serious money. This is the merry road to hell, from which

American corporate government is now painfully retreating. In the private sector, it has a ruthless validity. Nobody is forced to buy shares in Lush or British Oxygen. With privatised utilities, it is unacceptable.

The utilities boards are creatures not of any free market but of the statutes that set them up. The executive salary packages are not just a public relations mistake, but way out of line, and ministers should have the courage to say so. In his measured survey of executive pay, *Just Reward?* (Kogan Page, 1994), Anthony Williams shows that utilities salaries are well ahead of any reasonable domestic or foreign equivalent. They are ahead of private-sector salaries. There is no real international market for these executives, and internal control on remuneration packages is ineffective.

Williams is particularly scathing about the use of options and bonuses as "incentives". At these salaries, executives should be already working flat out. In America such language is no longer used of options. They are merely tax-efficient ways of boosting income by means less apparent to other staff.

It is abundantly clear that the people running what are still regulated utilities have spent the past five years paying themselves as much as they dare. For all the uproar and bad publicity, I am not aware of any of them taking a pay cut. Cedric Brown's complaint at the intrusion into his private life reminds me of the Fleet Street printer who demanded extra money "for the mental stress of being messed about having to ask for it". In America, these abuses are being brought under greater legal control. They are the corporate equivalent of the Spanish practices that executives so deplore in their workforces. What is sauce for the goose must be sauce for the gander. The Institute of Directors yesterday published an unbecomingly timid set of proposals to curtail salaries abuse. Why not change the

Simon Jenkins

Kobe visit

THE PRINCESS OF WALES is hoping to visit earthquake victims in the shattered city of Kobe early next month. She has told staff at Kensington Palace that she would like to meet survivors and their relatives during her forthcoming visit to Japan.

The Princess's tour of Japan is her first official overseas engagement since her decision to leave public life. It was planned last year and has always been scheduled to include a meeting with Emperor Akihito. There are now suggestions that she may leave Britain earlier than originally planned in order to visit the devastated city where more than 5,000 people were killed.

Buckingham Palace sources say the itinerary is under review. "A visit to Kobe is one of the options being considered but it is a question of talking to the Embassy to see what can be done. There is talk of rejigging the programme to try to meet some people."

The most likely option would be for the Princess to leave Britain on February 5, a day earlier than had been planned, so that she can fit in a visit to the earthquake zone as

well as to Tokyo. The Japanese Embassy in London, however, has yet to receive formal notification of Diana's wishes.

Another snub

LESS than a fortnight after Lord Lester of Herne Hill resigned from the Garrick Club on account of its chauvinist attitude, I am bound to report that another prominent member has resigned because the

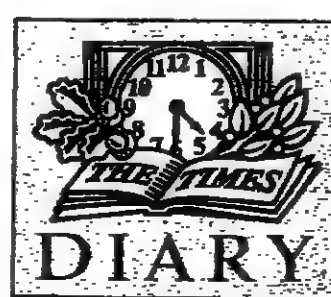


club refuses to admit women. Anthony Lewis, the *New York Times* columnist and Pulitzer prize-winner who has been a member for nearly 30 years, has written to Martin Harvey, the club secretary, saying that he finds his position untenable. "It is no longer possible for me to justify, to myself, belonging to a club which denies membership to people solely because of their sex... the rule excluding female members is not only silly and out of date but shameful."

Missing from the opening night of *English National Opera's* revival of *Rigoletto* on Monday were the customary bunches of flowers for principals at the curtain call. Suggestions of budgetary difficulties were denied by the ENO. "They got their flowers afterwards," said a spokeswoman.

Arch error

THE PARTY to celebrate the 44th birthday of *The Archers* at the English Speaking Union in Mayfair on Monday night was a little fraught — and not just because Norma Major, a fan since the first episode, was in attendance. It was simply that guests insisted on addressing members of the cast as Cambridge characters, rather than people. "Please stop calling me Nigel."



snapped Graham Seed, who plays Nigel Fargatter, at one unfortunate fan. "That's the third time you've done that. People have been doing it all the time. *The Archers* is only part of my work. I was in *I, Claudius* after all."

Bash avoided

STEPHEN FRY made his excuses after last year's dinner, which he has decided not to attend the annual dinner for Uppingham old boys, at the Law Society next month.

His decision is hardly surprising after last year's dinner, which kicked off well but descended into an ugly fracas when two brothers began to abuse Fry over his politics and sexuality. The scene deteriorated further when, after Fry blew the boys a kiss, they launched in

physically and everyone ended up in court. "Sensibly, Stephen is performing in a play out of town that night," explains his agent.

Lord's ladies

THE TIDE continues to turn against the great bastions of male exclusivity. The Lord's Taverners' Eve of Calcutta Cup Dinner will be attended by women for the first time this year. The Princess Royal is to be the guest of honour.

The highly convivial "stag" event, which has been running for more than a decade, is opening up after pressure from Lady Taverners. "It was recognised that an increasing number of women are interested in rugby, particularly the England versus Scotland match," says a spokeswoman for the Taverners.

Blanc check

NOW THAT he has three Michelin stars to his name, Marco Pierre White has decided to visit France. At Chez Nico at 90 Park Lane in London yesterday, where with Nico Ladenis he was celebrating doubling Britain's quotient of three-star Michelin chefs, he revealed he has never visited the country.



Marco Pierre White: French trip

"When I was four I travelled by train to Genoa with my mother," he said. "And we must have gone through Paris, but I do not remember it and do not think we got off. I have not even been to Boulogne or Calais since."

"I wanted to prove it was possible to win three Michelin stars without ever setting foot in France. Now I have done it I might celebrate by visiting one of their three-star places."

Alan Coren



■ They say no man is a hero to his valet — but he may well be a mealticket

Is there a new lightness to my daily's sleep? Or is it just that the new wariness in mine leads me to imagine that there is? Either way, this is a bad business: the relationship between us will never be the same. For the lightness of which I am wary is a binary lightness: it is not merely the metaphorical lightness of the raised spirit, it is the actual lightness of the tipped tread. I fear she is fairy-footing about the place not only because she thinks she might be on to something, but because the something she thinks she might be on to might mean that she might be on to something else. The something else she might be on to is a bung from the News of the World.

This is what the venal treacheries of the Valet and Housekeeper of Wales have done to all of us who have people to do for us. In opening up the market for domestic revelation, Ken Stronach and Wendy Barry have ensured that we shall henceforth never be free of the terror at what domestics have in their power to reveal. And injunctions to stay their further blabberings have only made matters worse, for once the tabloid palate has begun to salivate, its stomach cannot remain un-fed. If it is prevented from doing the business on royals, it will do it on those who lack royal lawyers, for the truth, and I shall put it in italics to prove it is the truth, is that the intimate domestic details of anyone are invariably fascinating to everyone else.

Even as I type, I can hear, on the floor beneath, a drawer being shut. Is it being shut more cautiously than heretofore? Is it being shut, quite properly, on the shirts she has just finished ironing, or is it being shut, quite improperly, on my chequebooks, my diaries, my correspondence? Will tomorrow's headlines shriek: "Who was glamorous bedtime when bang blew fortune on night at Gleneagles?" or "What made wag hang on to old postcard from bisexual radio star?" or "Wag threatened with proceedings after gas board's patience runs out, could face huge fine, possibly jail, if bill not paid?" Even if the chunk was of the quite proper drawer, might they not shriek, no less horribly: "Cash's name-tag proves tightwad was stole shirt from son, divulges sharp-eyed ironer!"

I hear her Hoovering now, somewhat spasmodically. What could this mean? "Wag's toenails jam vacuum cleaner!", perhaps? "Tightwad was insists plenty of life left in clapped-out Hoover as slave daily toils on pittance?" Dare I nip downstairs to inquire? "Wag who earns fat income sitting on backside all day staring out of window dogged my every move to ensure pound of flesh, weeps exploited servant?"

And then, if Stronach and Barry are to set the example, there is the matter of eavesdropping and its speculative interpretation. Dare any of us, ever again, risk the unbuttoned top, and therewith such front-page splashes as "Wag's 'idyllic' marriage exposed as sham after wife fails to renew road-fund licence on time, air was blue, reveals shocked daily" or "Crazed hack tore wash-basin from wall, hurt for right cufflink, avert, drenched servant" or "Shouting wag maintains Virginia Bottomley should be taken out and shot, family deeply divided, is this why children left home, asks sorrowing domestic?"

And then again, must I resort to covert operations of my own, creep behind her back to feel her hanging coat-pocket or sift her shopping bag lest one or other conceal an instamatic, primed and cocked?

It may already be too late. Boots may at this very moment be processing a highly marketable reel of wonky wide-angle shots to stand above such centrepiece captions as "Groaning wheedle-bin reveals champagne lifestyle yet daily gets no tea-break", or "Overpaid wag snores in front of massive telly while daily toils", or "Is this why wag's neighbours are up in arms? More exclusive pictures of tightwad's D-I-Y fencing on pages 7, 8 and 9?"

I shall go downstairs now, so that she can do this attic. Go through the wastebin, trawl my files, scan the computer. Fax the tabloids.

P.H.S



YELTSIN'S JANISSARY

Does the rise of General Kozhakov herald a hardliners' coup?

The sinister figure lurking in the shadow of a Russian leader and exercising a malign influence over his decisions is as much a part of Russian history as it is of Western fears. The most famous example was Rasputin, the mad monk who established such a disastrous hold over the imperial family. Stalin, in the twilight years after Lenin's stroke, used his position as a party functionary to gather power into his hands as Lenin was dying. Yesterday *Izvestia*, a respected liberal newspaper, made the same accusation against General Aleksandr Kozhakov, the head of President Yeltsin's bodyguard, whom it accused of creating a private army, attempting to halt reform and rehabilitating old KGB hardliners.

If indeed Mr Yeltsin is now being manipulated by cronies taking advantage of his ill health and political isolation to prepare the ground for a coup, Russia and the West should be alarmed. Already, it appears, General Kozhakov has 30,000 men under his direct control, taking over and expanding an entire directorate of the former KGB. Even at the height of the party's sycophancy to Brezhnev, the Soviet leader had no more than 8,000 people to guard him. The new praetorian guard now includes crack anti-terrorist units, mechanised infantry and airborne troops, making it a powerful private force accountable to no one but Mr Yeltsin himself.

Serious questions arise from these revelations. Is President Yeltsin still in control of his own apparatus, or has he now begun the decline into the dotage that marked the later years of Brezhnev, when the country stagnated while factions competed behind the scenes for power? Does General Kozhakov have a political agenda of his own, and does he ascendancy herald a decisive entry of the armed forces into Russian politics?

The pessimists, led by the embattled liberals in Moscow who see a crackdown looming as the inevitable result of the

Chechnya debacle, fear the worst. They see the classic pattern of the janissary turned sultan. The pattern is common in Russian, Ottoman and even Roman history. But to draw parallels at this stage with Emperor Tiberius and Sejanus is misleading. President Yeltsin has not retired to a distant island or abandoned the control of day-to-day affairs. True, he has been barely visible for months, and he does appear to let things drift. But this may be more a question of tactics and temperament than political abdication. There is evidence that he has deliberately distanced himself from those who have given him ill advice over Chechnya, and used the old ruse of letting attention and popularity fall on others.

There is also little proof that General Kozhakov has any ambition beyond his personal enrichment and power. He is an old-style former political associate of Mr Yeltsin, who has been with him since 1987 and, to his credit, has stuck with him during the setbacks as well as the triumphs. Inevitably, he is the sauna and drinking confidant in whom Mr Yeltsin places considerable personal trust. But this does not mean that the President is blind to the potential misuse of such a position; nor that the man whose own future depends utterly on the survival of his boss is actively planning, like Stalin, to seize power himself.

Beyond a general yearning for order, a suspicion of reform and a distrust of Western motives common to the entire class of apparatchiks, General Kozhakov and his allies have no clear ideology. They are, increasingly, tempted to dabble in politics — denouncing a World Bank reform plan for the oil industry, for example. But they appear to be courtiers of limited intelligence and limited horizons. *Izvestia*'s warning may alert the Duma and Mr Yeltsin himself to the dangers endemic in the Russian system; but the liberals should not yet worry that Sejanus has taken command.

ADVOCATE OF CHANGE

Lord Taylor's proposals for the civil courts are wise

Concision has always been the mark of a good barrister. In the first century AD, Quintilianus observed that lawyers should concern themselves only with the essential points. "We must not always burden the judge with all the arguments we have discovered," he wrote, "since by so doing we shall at once bore him and render him less inclined to believe us." The same is true today. Yet the English legal system is still founded on the assumption that the advocate may take as much of the court's time as he likes.

For this reason, the reforms announced yesterday by the Lord Chief Justice, Lord Taylor of Gossforth, are as overdue as they are welcome. Lord Taylor is not the first senior figure to acknowledge the problem of time wasting. In 1989, for example, Lord Chief Justice Lane said that "judges nowadays should more often stop counsel from indulging in prolixity, unnecessary questions and repetition". In the same year, Lord Donaldson, then Master of the Rolls, issued a direction for the presentation of argument in the Court of Appeal. But Lord Taylor has gone much further than his predecessors in seeking to curtail barristers' verbosity.

Judges in civil cases will now have greater power to set deadlines for trials, cut short advocates' speeches and cross-examinations, and insist that documents be submitted on time. In addition, the judiciary will be able to issue "appropriate orders for costs" where deadlines are missed; in exceptional circumstances, individual lawyers may find themselves personally liable for such expense. The reform's aims are unimpeachable: to reduce cost and delay and to pave the way for Lord Woolf's review of civil court procedures in England and Wales.

The difficulties involved in this reform are

considerable. Poorly implemented, it could result in injustices, as cases are rushed through court in the name of efficiency. Equally, there is a risk that some members of the judiciary will find the changes bewildering. The current generation of judges has grown used to indulging the loquacity of barristers. Few would today share the forbearance of the law lords in 1869 who heard the representations of one woman for 23 days. But many will still experience problems adjusting to the role of trial manager. Lord Taylor's championship of "judge-driven" courts is more ambitious than it may appear to the layman.

The Lord Chief Justice and the other heads of division deserve the strongest possible support, therefore, for their proposed reform. Far too much time is wasted in civil courts on artful rhetoric and the recitation of standard legal references with which judges are already familiar. Indeed, many of the arguments which advocates now make in court would be better considered on paper by the judge in his chambers. In the American Supreme Court and European Court of Justice, advocates have less than an hour to submit their oral arguments.

Such restrictions may not be appropriate to the British legal system. But they show how much more efficiently the time of the courts can be used when suitable limits are imposed. As David Pannick, QC, argues in his book *Advocates*: "There is no reason why the English advocate should not be able to organise his submissions so as to make them effectively and efficiently were English courts to confine the quantity of advocacy to be heard". It is to the credit of the Lord Chief Justice that he has acknowledged this point and taken preliminary steps to address an age-old problem.

BACH FOR YAMAHA

Oxford can make music with the chip as well as the baroque

Discord from the Sheldonian organ has produced an exemplary Oxford row, containing all the necessary ingredients of tradition versus modernisation and art lining up against money, economy and efficient administration. Yesterday college organ scholars and the rest of Oxford's musical establishment protested in the *Oxford Magazine* about the recent vote to install a digital electronic organ in the Sheldonian Theatre. The Sheldonian curators say that they are going ahead with the introduction of microchips and loudspeakers into Wren's amphitheatre anyway.

There is agreement on one issue only: that the Victorian organ in the Sheldonian has groaned its last chord. Traditionalists want it replaced by a conventional tracker-action pipe organ, in which pressure on the keys releases air into the pipes mechanically. Such an organ — one that Bach could have sat down and played without comment — could certainly be made to the most modern specifications and be grand enough for the Sheldonian. But it would cost at least £250,000. An electronic organ would cost the university nothing. A generous lover of music and Oxford has offered to give his university a £50,000 electronic organ.

Computerised and synthesised sounds can now be made virtually indistinguishable from "real" mechanical organ music. Oxford already has a wealth of world-class

organs in the colleges. It would surely be a useful innovation to let students have the latest electronic instrument to play. The new music will be installed with decent discretion. There is no suggestion of a mighty Wurlitzer rising from the cellars with lights flashing at Encaenia to hail the celebrities; and the loudspeakers will be concealed (shame-facedly, say traditionalists) behind the pipe-facade of the existing organ.

The English have resisted innovations to their beloved organ music since they lagged more than three centuries behind in introducing the new-fangled "German pedals", and the Puritans got rid of the impious "chest of whistles" from their churches. Oxford used to be the home of dead languages and undying prejudices. Now it looks forward as much as backwards — even in music.

One of Oxford's charms is that it still takes its traditions seriously. The Sheldonian organ broadcasts an important musical debate because anything that plays at Oxford attracts attention. But Oxford is right to go for the new music. There must be something more beneficial on which Oxford music can spend a quarter of a million than an old-fashioned pipe organ. That mighty innovator of the keyboard Johann Sebastian would have come up with something new for them. It would almost certainly have had chips and microchips.

Change in rules of engagement

From Mr Julian Brazier, TD, MP for Canterbury (Conservative), and Mr Iain Duncan-Smith, MP for Chingford (Conservative)

Sir, Your leader, "The Clegg affair" (January 24), is right to call for a change in the law regarding soldiers serving on active duty but surely wrong to suggest the adoption of the proposals made by various judges that a lesser charge than murder be applicable in cases like that of Private Clegg.

Far from clarifying the position for soldiers risking their lives in Ulster, or in any possible future hostilities, such a move would actually widen the scope for prosecutions. That is why the Army rightly opposes such a move.

Private Clegg did not make a mistake. He appears to have acted within the rules of engagement (embodied in the "yellow card") as were then laid down by the Government on the advice of the Attorney General. In his case the courts made clear that this advice does not have "any legal force".

The yellow card has been changed again but what is needed, to prevent further cases of this sort, is for Parliament to enshrine the rules of engagement into the law, so that any soldier, acting within their terms, knows that he cannot be charged with a criminal offence.

In setting out the rules of engagement Parliament would be deciding where it wished to draw the line for our soldiers on active service and might well wish to allow greater latitude than the courts currently do. Whatever the outcome on that balance, our soldiers would at last know where they stand.

In the meantime the Northern Ireland Office has the power to release Clegg and should do so at the earliest possible time.

An early day motion making these recommendations has already been signed by more than 90 Conservative MPs.

Yours faithfully,
JULIAN BRAZIER,
IAIN DUNCAN-SMITH,
House of Commons,
January 24.

From Lord Campbell of Alloway, QC

Sir, The decision of the House of Lords in the case of Clegg stands as a masterly erudite exposition of the law as applied to the facts of the case. But the moral basis of the law is called into question. The stigma of a conviction for murder would remain even if the mandatory sentence of life imprisonment were to be abolished.

The general law should be amended to afford a defence to the charge of murder where, although excessive force was used, the accused honestly believed that the force used was reasonable in the circumstances, along the lines proposed in paragraph 73 of the report of the Criminal Law Revision Committee (1980).

As regards members of the Armed Forces on active duty the yellow card instructions for opening fire should identify the purpose of the exercise. In the absence of evil motive, implementation of such instructions should also afford a defence to the charge of murder.

I am, Sir, your obedient servant,
CAMPBELL OF ALLOWAY,
2 King's Bench Walk Chambers,
Temple, E.C.4.

Lottery winnings

From Mr S. S. Siddall

Sir, For the second time in the past three weeks I have been told by my local National Lottery outlet that they have no money to pay me when I have gone to collect it, once on a Sunday morning, once on Monday evening.

I'm not sure whom to blame, but on Saturday afternoons the shop is full of anxious punters spending their money. Surely the National Lottery can find a way to pay out its winners. We are not talking about jackpots — only £34 on the first occasion and £20 this week.

Yours sincerely,
S. S. SIDBALL,
The Manor House, School Lane,
Welwyn, Hertfordshire,
January 16.

Rights of way

From the Editor of *The Countryman*

Sir, We learn from the Assistant Chief Constable of Essex, Geoffrey Markham, speaking about his force's action against animal-export protesters in Brightlingsea, that "Police are obliged to keep the Queen's highway open for the free passage of everyone going about their lawful business" (report, January 19).

Does this mean that I can now call on the local force to tackle farmers and landowners who plough and plant crops over public footpaths and bridleways — minor rural routes indeed, but equally part of the Queen's highway?

Riot gear (except in a few very difficult cases) will not be necessary, but some attention to this most persistent form of countryside law-breaking would be most welcome.

Yours faithfully,
CHRISTOPHER HALL,
Editor, *The Countryman*,
Sheep Street,
Burford, Oxfordshire,
January 19.

LETTERS TO THE EDITOR

1 Pennington Street, London E1 6XN Telephone 0171-782 5000

Plus and minus score points for the Rail Regulator

From Mr Carl Lombardelli

Sir, I suspect that Mr Jacques Arnold, MP for Gravesend (letter, January 18), has not purchased a ticket from a railway station for some time. If he had he would almost certainly be aware that a multi-purpose computerised ticket-issuing system already exists. Known as Apis (All-purpose ticket-issuing system), it has been in widespread use for about ten years.

Every station on the rail network with a staffed ticket office has one or more Apis terminals which can issue tickets to any BR destination. It takes half a dozen key strokes at most to issue the vast majority of tickets and individual transaction time is usually measured in seconds.

The system is thus available at about 1,500 stations — far more than the number of "core" stations proposed by the Rail Regulator. The time-consuming method of hand-writing paper tickets to which Mr Arnold refers is almost obsolete.

Yours faithfully,
CARL LOMBARDELLI
(Customer Relations Officer),
Great Eastern Railway,
Hamilton House,
3 Appold Street, EC2,
January 19.

From Mr Barry S. Doe

Sir, As a travel consultant who was asked by the Rail Regulator's office for an opinion on the core station document, I can confirm that Richard Spencer (letter, January 18) hit the nail on the head when he refers to Had-denham and Thame Parkway being listed because "the word Parkway works miracles".

It was indeed a criterion that all Parkways should be "core" and I pointed out that this allowed in tiny stations whilst rejecting places like Fleet and Farnborough, which between them have over 900 parking places. Even Alfreton and Mansfield Parkway is included, despite its

having been re-named plain Alfreton some time ago.

The same criterion applies to ports, though here the report has errors. Kyle of Lochalsh, with three trains a day and a dozen sailings a year (one day a week in summer) is core, but Lymington Pier, with 32 trains a day and a half-hourly ship service to the Isle of Wight, is omitted. Meanwhile Llandrindod Wells, with three trains a day, is core, but both Yeovil's stations are rejected, simply because the town is within 50 miles of Salisbury or Exeter.

Incidentally, the report explains why Waterloo East is to be rejected, on "low-revenue" grounds. I'm not surprised: its ticket office closed over a year ago.

All these stupidities I explained to the regulator, but the report was published unchanged.

Yours sincerely,
BARRY DOE,
25 Newnorton Road,
Moorhouse, Bournemouth, Dorset,
January 18.

From Mr Gordon Dennis

Sir, When I go on holiday I buy my accommodation through a travel agent and not from the hotel on arriving. When I fly I don't wait until I reach the airport to book. When I go to a play I have secured my seat before reaching the theatre.

Why must I be expected to buy my rail journeys at the station, rather than beforehand and conveniently through a national agency?

Yours faithfully,
GORDON DENNIS,
Kazimierz, The Green,
Stambridge, Oxfordshire,
January 11.

From Mr Paul Osborn

Sir, The proposals from the Rail Regulator on through ticketing (report and letters, January 18) are not so much restrictions as to where tickets

can be sold as minimum requirements stating where they must be sold. It is inconceivable that a firm which seeks to encourage as many people as possible to travel by train would not sell a ticket to where the customer wanted to go, even if the journey finished on a different company's franchise.

Let's look at the benefits of this privatisation in terms of lower prices, more investment and the possibility of stopping the long-term decline of rail travel instead of scaremongering about unlikely consequences.

Yours sincerely,
P. S. OSBORN
(President, Debating Union),
Southampton University
Students' Union,
Southampton, SO9 1B1,
January 18.

From Mr Allyn Shipton

Sir, If it was as possible to book a ticket on the pre-war rail network to St Petersburg as it was to Daisy Bank and Bradley, outside Wolverhampton, as I believe it was, it is a poor reflection on our current society that we are arguing about guaranteed ticketing for cross-country journeys to major destinations in the UK, let alone the vast network beyond the tunnel.

Yours faithfully,
ALYNN SHIPTON,
College Farm, 117 High Street,
Wheatley, Oxford.

From Mr D. J. Skinner

Sir, Recently I travelled from Vlissingen to Ostend, a journey through Holland and Belgium, on two different national buses and a tram. The through ticket was issued by the driver of a one-man bus.

Yours faithfully,
D. J. SKINNER,
2 Giza Road,
Bulford Camp, Wiltshire,
January 11.

Peer's appeal for the war widows

From the Director General of Help the Aged

Sir, The 24-year-old Lord Freyberg used his maiden speech in the House of Lords today to publicise a campaign launched by the Officers' Pensions Society highlighting the lamentable disservice done by the State to our war and service widows.

We at Help the Aged believe passionately that the anomalies in pensions provisions for this most deserving sector of our older population must be tackled.

It is absurd that war widows should lose their pensions entitlements if they remarry or are found to be cohabiting. This measure ensures a life of loneliness for many. Just one in a hundred war widows take on the financial risk of another marriage.

It surely cannot be right that many, now elderly, service widows who mar-

ried their husbands after they had left the Armed Forces receive no occupational pensions of any sort, unless their partner retired after 1978. In addition, the block date of 1973 for the introduction of half-rate pensions leaves many service widows over 70 in dire straits, surviving on a third-rate pension.

Many will savour the irony of a 24-year-old peer reminding the Government of its discount to the widows of our war heroes. A further irony should not escape our notice: the pension scheme for parliamentarians has no such restrictions.

Yours faithfully,
JOHN MAYO,
Director General,
Help the Aged,
St James's Walk,
Clerkenwell Green, E.C1,
January 24.

Video offences

From Dr Alan Gilmore

Sir, It is being suggested by the parents of young children involved in the Bishop Auckland sexual abuse investigations that their children had been influenced in their accounts of their alleged experiences by having seen horror videos (report, January 14).

Why had they been allowed to see such videos? Your photographs of the two named titles both clearly showed the "18" classification, which denotes: "Suitable only for persons of 18 years and over. Not to be supplied to any person below that age." It is an offence for a trader to supply such a film to anybody under age, and trading standards officers are vigilant in enforcing a law that was passed to protect children, but of course they have no control over what children see in their homes.

If children have been traumatised by seeing quite inappropriate horror films, then something needs to be done. Do they need any help? Why did it happen? How can they be protected in future? What more can be done to help parents to understand the classification system and to apply it responsibly to their own families? Should someone take notice when they don't?

Yours faithfully,
ALAN GILMORE
(Director, NSPCC, 1979-89),
106 Crook Lane,
Bournemouth, Dorset,
January 16.

Agricultural policy

From Mr Anthony Kinch

Sir, Lady Thatcher would not approve the proposal by the rebel faction of the Conservative Party to renationalise the common agricultural policy (report, January 20). I quote from Hansard for February 15, 1988:

The Prime Minister: "... if we were not in the common agricultural policy, the amount we would have to pay in deficiency payments would probably cost more than the CAP does, because of the amount we would have to put on in levies to protect British agriculture and to prevent it from returning to something like its position in the 1930s..."

Yours faithfully,
ANTHONY KINCH,
36 Greenways, Beckenham, Kent,
January 20.

Coastal Command

From Wing-Commander Derek Dudley Martin, RAF (ret)

Sir, Your review of Dan van der Vat's *Stealth at Sea* (January 19) makes almost no mention of the major part played by Royal Air Force Coastal Command in the war against the submarines.

In the last war 192 U-boats were sunk and 131 damaged by aircraft alone; over 2,000 Coastal Command aircraft were lost and 10,327 aircrew killed or injured out of an average aircrew strength of less than 7,000.

The photograph of the 1943 U-boat "kill" is probably of U-653, which surrendered to Liberator FW23 of No. 130 Squadron in October 1943. Only one U-boat was captured during the war and that was U-570, which surrendered to a Hudson of No. 269 Squadron. This German submarine was later re-used by the Royal Navy as HMS *Graph*.

Yours faithfully,
DEREK MARTIN,
Cobble Wood Cottage,
Medmenham, Nr Marlow,
Buckinghamshire,
January 19.

Horticultural library

From Miss Anne Scott-James

Sir, Mr John Mattock suggests (letter, January 20) that a visit to the Royal Horticultural Society's Lindley Library, if moved to Wisley, could "be combined with a walk in very pleasant surroundings and a very superior restaurant is available".

True, many visitors to Wisley would quite legitimately regard the library as the cultural part of a jolly outing. But what about scholars and researchers? They may want to use the library for hours at a time over many days or weeks.

They may not have cars, particularly if they are foreign visitors, many of whom now use the library for research. For many of these Wisley, a weary place to get to by public transport, would be too remote.

Yours faithfully,
ANNE SCOTT-JAMES
(Council member,
Royal Horticultural Society, 1978-82),
78 Cheyne Court,
Royal Hospital Road, SW3,
January 21.

Public life inquiry

From Sir Jerry Wiggin, MP for Weston-super-Mare (Conservative)

Sir, Anyone familiar with the history of Westminster Hall will know that a number of the trials that have taken place in that historic building have begun with a verdict already decided. It would seem that Lord Nolan, Chairman of the Committee on Standards in Public Life, believed this custom should continue when he made a statement to the press in the course of the first witness session last week (report, January 20).

I cannot recall the chairman of any commission, tribunal, inquiry or select committee, to say nothing of a court of law, ever announcing his conclusions without hearing all the witnesses.

Those witnesses who take an opposite view must feel already discounted, although not yet heard. The outcome of this committee could have very substantial consequences for the future composition of Parliament and yet no letter was sent to individual Members of Parliament inviting comments and, by Thursday of last week, the committee's document, "Issues and Questions", had not been placed in the library of the House.

Perhaps we should now have a committee on standards in conducting inquiries?

Yours sincerely,
JERRY WIGGIN,
House of Commons,
January 24.

No welcome here

From Mr John R. Alderman

Sir, An elderly, distinguished Indian friend telephoned to inform me that he would be unable to stop as planned in London on a trip to America. Despite knowing that he was to be an honoured guest at a conference in Chicago and having his travel documents in order, British consular officials had refused him a visa for a four-day stay unless he travelled hundreds of miles from his home to Madras for a personal interview.

I had no answer to his deep sense of anger and humiliation. He is one of India's most eminent art connoisseurs and has generously lent objects from his collections to UK exhibitions over the years, most particularly in the 1982 Festival of India. For over 30 years he has shared his knowledge and offered hospitality to scholars from Britain.

Yours sincerely,
JOHN R. ALDERMAN,
Flat 6, 37 De Vere Gardens, W8,
January 16.

Written in the stars?

From Mr Walter Bealy

Sir, Patrick Moore, of course, is right (letter, January 24) — all astrology is trash. I suppose, like all Pisceans (or should I now say Aquarians?), he is sceptical by nature.

Yours faithfully,
WALTER BEALY,
5 Paper Buildings, Temple, EC4,
January 24.

Letters that are intended for publication should carry a daytime telephone number. They may be sent to a fax number — 0171-782 5046.

We love London, say investors

London will demonstrate its determination to remain a prime business location in Europe through its presence at Mipim '95, the international property market, which opens in Cannes on March 9.

The capital, recently named by a survey as the leading business location in Europe, will have the largest ever stand at the Mipim exhibition. It is funded by the Corporation of London, and developers and investors, and comes with a model of the City of London and Westminster. The 14m by 8m model will, for the first time, have a link to the Internet system so that people can access it electronically from anywhere in the world.

Augmenting London's presence, the London Docklands Development Corporation will take a separate stand as it aims to attract further inward investment.

The announcement of this commitment comes in the wake of a survey among the world's leading property investors and bankers which boosts London's position for the future. A Gallup survey for the international property consultants Richard Ellis showed that 68 per cent took the view that a change of government would not affect any future property decisions in the capital, and 10 per cent claimed that a Labour government would actually increase their intentions to invest in London. More than half - 61 per cent - said they thought that a Labour government would not affect, or would give greater sup-

The capital's campaign to sell itself is succeeding.
Christopher Warman reports

port to London as a financial centre. The survey was made last November among 62 companies in the UK, US, Japan, Hong Kong, Canada, Middle East, France, Germany and The Netherlands, and 51 international banks.

Emphasising a positive attitude among investors and bankers towards property in London over the next 12 months, 90 per cent of world investors intended to increase or maintain present levels of their investment exposure to London, while only 6 per cent expected it to decrease, and 80 per cent of bankers said that they would increase or maintain their level of lending to the London market. Eighty-two per cent of bankers said that they would increase their lending to UK property over the next 12 months, while only 14 per cent said they would decrease it.

The main reason for the upsurge in activity by both investors and lenders is the expectation by at least 61 per cent of investors that the market will continue to improve over the next 12 months, although 35 per cent think it will stay the

same. Among bankers, 92 per cent believed that the property lending market would either improve or stay the same.

The expected improvement is underpinned by the belief that there will be rental growth and higher yields on property investment, which gives property a healthy position as a vehicle for investment compared with gilts and equities.

Comparing London with other European cities, more than half the investors believed that investment in London would perform better than Paris or Madrid, and half better or the same as Frankfurt or Brussels. Despite increasing competition, London is still the choice of 61 per cent for investment, while only 10 per cent of bankers said that they would prefer to lend on properties in cities other than London.

Within the UK, central London remains the most attractive investment area (85 per cent) for both UK and overseas investors. Outside London and the South East, the North East is attracting attention. The West Midlands is of greater interest to the UK investors than those from overseas, but by contrast London Docklands is viewed more positively by overseas investors (15 per cent), compared with 5 per cent of UK investors.

John Slade, the City investment head at Richard Ellis, says: "This survey is a vote for London, whichever party is in power."



In its second large acquisition in London in recent months, A.P. Fonden, the National Swedish Pension Fund, has acquired a long leasehold interest in Milton Gate, Moor Lane, in the City, from Land Securities for £76.5 million. The acquisition comes after A.P. Fonden's purchase of 1 Angel Court last summer.

MARKET MOVES

M4 offices up to speed

ARLINGTON Property Developments is submitting a planning application for four office buildings totalling 120,000 sq ft in a new phase of its business park off the M4 at Reading. The last phase, Lakeside, was quickly taken up. If approved, work will start this spring. Agents: Strutt & Parker and Savills.

Above ground

NOW that the Channel Tunnel is open, Eurotunnel Developments Ltd and Eurotunnel Direction Development France have asked Jones Lang Wootton to carry out a marketing strategy in the UK and France. Eurotunnel has seven strategic sites for commercial development in Ashford, Folkestone, Dover and Calais.

City space

GENERAL Accident Life Assurance and Capital & City are planning to carry out the redevelopment of 3-9 Old Burlington Street and 33-39 Savile Row this year, giving an extra 67,000 sq ft of office space in London's West End. Agents: Donaldsons and Jones Lang Wootton.

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The stock will be sold in distinct packages, each within the range of 650 to 1,000 properties. The Corporation's rented stock currently totals 4,200 properties.

Prospective landlords must provide information on the financial status of their organisation and its operational activities, including details of their track record in the housing field. Organisations should be able to meet the standard of Scottish Homes' landlord status.

Replies should be sent to:

The Chief Executive,
Cumbernauld Development Corporation
Cumbernauld House
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Wellcome leaves its Jacobean mansion

Christopher Warman spots an opportunity to buy a 48-acre estate full of accommodation and office potential

Crewe Hall in Cheshire is a Grade I listed Jacobean mansion that was for 26 years a regional headquarters of the Wellcome Foundation Ltd, a wholly owned subsidiary of the pharmaceutical group, Wellcome plc.

The 48-acre Crewe Hall estate, two miles from Crewe, which has now been vacated by the company, comes on to the market just as Glaxo has announced an £8.9 billion bid for Wellcome — probably a British record.

In addition to the main house, which has 33,000 sq ft of office accommodation in its 190 rooms, the estate includes a further 20,000 sq ft of office space in the converted quadrangle stable block. The Ranulph Industrial Estate, set in landscaped gardens, provides nearly 300,000 sq ft of distribution and processing space.

The availability of Crewe Hall is the result of the relocation of the production plant of the Wellcome Foundation Ltd to Dartford in



Crewe Hall in Cheshire, a former regional headquarters of the Wellcome Foundation, and the magnificent galleried hall with its handsome mantelpiece



for the industrial space on the Ranulph estate.

Patrick Waters, associate partner of Donaldsons, says that Crewe Hall makes an ideal headquarters. "It combines modern, efficient business space in a highly accessible location with the grandeur of a quality period building in an attractive parkland setting."

Simon Williams, a Donaldsons' partner, added that the estate's main selling point was the environment. "It is rare to find accommodation of this quality in such a setting," he says. "There is very little good space available in south Cheshire at present. So we believe that our timing is right, too."

He reported considerable interest — both from Britain and overseas — and not just for use as a headquarters office. It has potential for other uses and has attracted interest from educational institutions and quasi-government bodies.

"But," says Mr Williams, "it does lend itself pretty well to use as a headquarters office. It has worked well for Wellcome and our preference is for an office user."

A further advantage, the agents say, is its communications. Crewe is on the west coast main railway line, and is a major railway junction. And the estate is no less than four miles from junction 16 of the M6, giving quick access to Birmingham, Manchester and Liverpool.



Reviving the heart of a city

A £30 million retail and office development — a model is pictured left — on a prime site at the junction of New and Corporation streets in Birmingham centre has been granted planning consent by the city council. The 103,000 sq ft first phase of the scheme, for Land Securities, totals more than 225,000 sq ft and incorporates buildings owned by the company.

There has been extensive consultation between the council and Land Securities, and the approved plans allow for the retention and restoration of existing

adjacent frontages, with new-build behind. The proposals, in line with government policy to stimulate the renewal of city centres, will contribute to the continuing economic renaissance of the New Street area after a pedestrianisation project by the council.

Work will start in June, and is scheduled for completion in spring 1997, although some units may be available for Christmas trading in 1996. The joint letting agents are Erdman Lewis and DTZ Debenham Thorpe.

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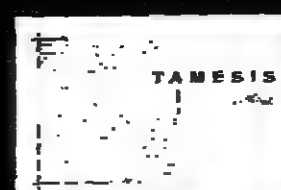
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Royalty is said to be using buying agents to house-hunt. Rachel Kelly picks some prime possibilities

Celebrity househunters are increasingly turning to property buying agents who will search on their behalf for a new home.

Baroness Thatcher, the Princess of Wales and the Duchess of York are all the kind of people who do not want to be seen househunting for fear of putting up prices and attracting unwelcome publicity.

So they tend to hire property firms who represent buyers, unlike estate agents who represent sellers. Both buying agents and estate agents are being bound to confidentiality agreements on any sale details.

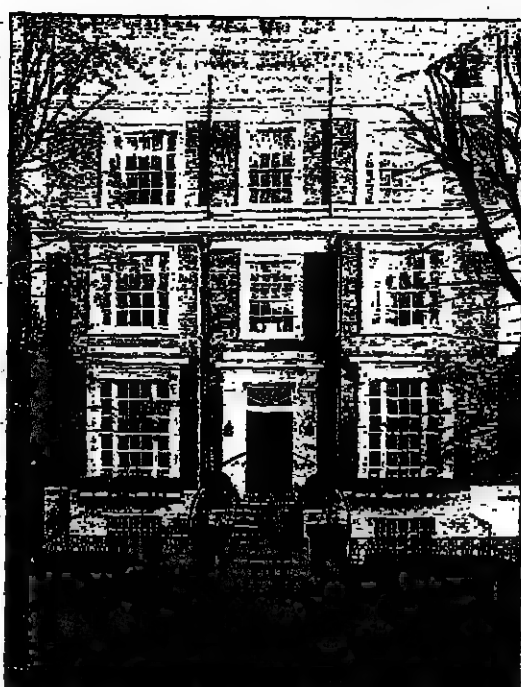
Property Vision, a London-based buying agent with an exclusive client list believed to include royalty, has seen its business turnover rise by 50 per cent last year. Other buying agents, including Wilson & Wilson, have seen a similar increase in their business from celebrities.

James Ellingworth, from Property Vision, refused to comment on the identity of his clients, but said that his firm was representing an increasing number of celebrities and had bought £45 million of property in 1994 compared with £30 million in 1993. "The climate has changed in the 1990s," Mr Ellingworth says. "Greed isn't appropriate and celebrity buyers do not want people to know how much they have paid for their homes when there is concern about homelessness and the level of repossessions."

Typically, buying agents will produce floor plans, photos and descriptions of appropriate properties and negotiate on the buyer's behalf. Some estate agents also have special buying departments.

The emphasis on secrecy is not surprising: wherever celebrities choose to live there is always trouble. They bring instant recognition to unloved-of hamlets and also attract swarms of journalists to disrupt local life.

FOR THE PRINCESS OF WALES...



FOR the Princess of Wales, 8 Addison Crescent, Holland Park, London W14 (above) might suit: six bedrooms, four bathrooms and a staff suite (offers around £3,250,000). Alternatively, she would be on



home ground in Eldon Lodge, Kensington (above), a Grade II listed Victorian house with five bedrooms and staff accommodation. Asking price: £2,250,000. Both with Knight Frank & Rutley (0171-937 8203)



THE Princess would feel at home at 1 Cadogan Lane, near Sloane Street and Knightsbridge, with Hyde Park, Mayfair and the West End a short ride away. Newly built in the neo-classical style, it boasts far-

reaching views, good entertaining rooms, four bedroom suites, a swimming pool, roof terrace and a secluded garden at the rear. On sale with Wilson's (0171-245 0043) for £3 million.

FOR THE DUCHESS OF YORK...



SHOULD the Duchess of York need a pied-à-terre reasonably close to Harrods, Flat 2, 14/15 Ennismore Gardens is anything but vulgar. There are three bedrooms, the master bedroom having six sets of

French windows leading to a balcony. The major rooms interconnect, offering perfect grand-scale entertaining, and there are maid's quarters. On offer with Strutt & Parker (0171-823 2899) for £1.3 million.



The Duchess might prefer to indulge her taste for the modern. If so, Upton House, Fulmer, Buckinghamshire, might suit. Newly built, it offers five reception rooms, six bedrooms and an indoor swimming pool

complex including whirlpool, plunge pool, sauna and gym. There is a good selection of schools near by, and the house is well-placed for Henley and Ascot. For sale with Savills (0171-499 8644) at £2,850,000.



FOR LADY THATCHER...

BARONESS Thatcher is believed to be looking for a house in the country. Little Mongeham House in Kent (left) might suit her. A Grade II listed Georgian house, thought to be a former rectory, the house comprises four reception rooms, extensive cellars, six bedrooms and two bathrooms. Included in the guide price of £485,000 is a detached three-bedroom cottage and equestrian facilities. Inquiries to Strutt & Parker (01227 551123)

Should she wish to venture further afield, Hammon House (right), near Sturminster Newton, Dorset, would provide her *inter alia* with seven bedrooms and a sewing room. The house comes with swimming pool, orchard, paddock and a garage block with a billiard room for Denis. Offers in the region of £425,000 to Savills (01202 887331).



Power to the people of the inner city

Urban residents are at last getting a voice in plans to regenerate their areas. Mary Wilson looks at 'bottom-up' schemes

Since the 1980s, urban regeneration has largely been the preserve of builders and developers. Flush with government grants, they have recycled derelict land and repopulated derelict industrial sites with new houses.

But the emphasis in the 1990s has been less on the physical appearance of our inner cities and more on those who live there. How can they benefit?

The answer, says Lord Jenkin of Roding, President of the British Urban Regeneration Association (BURA), is for residents to be involved. "There is already a great deal of evidence to suggest that regeneration projects which start from the bottom up are more likely to succeed than substantial top-down projects," he says.

In Camberwell, southeast London, a group of residents who have rented property on short-life tenancies for the past ten years have set up their own group, Grove Housing, to try to have some control over the regeneration of their premises.

Short-life tenancies are used by councils to let property which is habitable, but not in good enough condition for longer tenancies. The tenants are given six-month licences which are renewed automatically, but they have no rights.

Chris Oddy, an art director, lives with his wife and child on the west side of Camberwell Grove and is one of the 15 people presently involved in Grove Housing. "At one time, the council said it had no intention of selling, but it is thinking of it again. We set up the group in 1992 in an attempt to prevent that. We are prepared to undertake the management of the buildings, once they have been rehabilitated, and we have a hous-

ing association, Hexagon, which is prepared to put in a bid for them. We are very keen not to let all the properties go into private ownership, although it is possible that ownership could be split."

WHEN the existing housing association looked into the rehabilitation costs, it worked out at £119,000 a unit — a total of £7.3 million. Grove Housing has estimated the figure will be far less than that and has presented to the council a plan for

both private and rented accommodation.

The east side of the street needs most work. Two properties are empty and extensively vandalised. Only one rent-payer exists on that side, where there are people squatting. On both sides of the street, the exterior walls are sturdy. On the west side, where Mr Oddy has a maisonette, the basements need excavating and drying out, and other modernising work, and damp needs attention.

"In many of the properties, the flats are far too big for single units and need to be split up to provide a suitable mix," Mr Oddy says. "We hope that a decision will be made before Christmas."

Eighteen per cent of any housing association grant now has to go towards rehabilitation work, and Grove Housing is hopeful that it will get what it wants. "Many of us have lived here for some time and formed a community," Mr Oddy says.



Chris Oddy (second from left) and Grove Housing members outside their homes in Camberwell

The price of a country pile

A new survey shows country-house prices on a regional basis

A SURVEY on prices of large country houses last year shows that Norfolk came off worst for investment and Berkshire came off best.

The survey, by the estate agents Strutt & Parker, shows that in Norfolk the price of a nine-bedroom listed house with 17.4 acres fell by £650,000 to just under £600,000. In 1991, such a house would have cost £700,000. The agents said that barn conversions and houses which had been badly modernised in the 1970s and 1980s proved especially difficult to sell.

In Berkshire, a nine-bedroom house rose in price from £900,000 to £1.1 million. James Laing, joint head of Strutt & Parker, says: "Strong demand for quality houses meant that frequently several prospective buyers competed for the same house, leading to some surprising price levels." Such rises were reflected in the price of expensive London property.

The survey is the only one of its kind to look at expensive country property on a regional basis. Both the Halifax and the Nationwide produce house-price surveys, but their average price of property is around £65,000.

Yorkshire proved disappointing for expensive country property, with no change in the £600,000 price of nine-bedroom houses for the third year in

succession. A spokesman from Strutt & Parker's Harrogate office said: "The market has performed erratically. Period five-bedroom vicarages remained in demand, but barns and 'overdone' farmhouses had proved difficult to sell."

Prices rose, however, for expensive country property around St Albans, Chelmsford, Lewes, Canterbury, Ipswich, Salisbury, Moreton-in-Marsh, Market Harborough, Exeter, Chester, Edinburgh and Banbury. Chester in particular was boosted by the number of executives relocated to the North West.

Mr Laing said: "We feel that building societies have generally taken a more pessimistic view, because, unless they have an estate agency, they have to rely for their information on people taking out new mortgages. They do not take into account the many genuine cash buyers. It is these cash buyers who have helped to produce increase in so many areas of the UK."

Prices also rose because of an imbalance between supply and demand, Mr Laing said. "The real problem with the market was people's reluctance to sell, and the consequent shortage of available properties, because of negative equity and a loss of confidence in mid-summer."

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Critics, including Congress, are attacking the amount of federal subsidy going towards the Corporation for Public Broadcasting

E dith Wharton died in 1938 without finishing her novel, *The Buccaneers*. Were she here today, she might wish to write her own ending to the dramatisation which begins on BBC1 on February 5. She might even want to give it a new title: *The Co-Produced*.

Her story, shifting from the mansions of Newport, Rhode Island, to the stately homes of England, was made for transatlantic collaboration: a sumptuous costume drama about the reinvigoration of clapped-out English aristocracy by American money.

Unlike the kind of Anglo-American alliance it celebrates, however, *The Buccaneers* has required cash, as well as class from the British partner. Of the five-part serial's £5 million budget, only about 10 per cent came from the American public television station, WGBH, in Boston. The BBC put up the rest.

In this Special Relationship, the Americans are decidedly the poor cousins. And likely to grow poorer.

Newt Gingrich, the Republican Speaker, has vowed to "zero out" federal money for the Corporation for Public Broadcasting, which subsidises American non-commercial television and radio.

Senator Larry Pressler, who heads the Senate Commerce Committee, which must decide whether to extend CPB until the end of the century, is no fan either. "Clinton has sent word over he wants to find areas to privatise," the South Dakota Republican said last month. "Here's an area where you can do it very easily."

To the British viewer, required to pay a hefty licence fee towards the BBC's annual £1.7 billion, the American taxpayer gets off pretty lightly. The annual federal appropriation for public broadcasting is only \$287 million — 14 per cent of

the total cost. The rest comes from donations, corporate gifts and deals with commercial interests.

Public broadcasting is far weaker in the US than in Britain. Begun in 1953, acquiring federal support in 1967, its services today are provided through a network of local television and radio stations, many of them quite small.

Its television audiences, moreover, are at best 5 or 6 per cent of national viewing. While the British public is often told how much Americans love British programmes, it is not told that these imports appear mainly on public television.

Fragmented American public broadcasting has to struggle for the excellence shown in its series on the American Civil War and the nightly *MacNeil-Lehrer News*



BRENDA MADDOX

Hour. All too much of its output consists of dreary discussions.

Its mounting critics are attacking on three fronts. They feel that public television should earn more from the private sector, even though it is already full of merchandising spin-offs, sponsor acknowledgements and nagging appeals to pledge money.

Then there is the argument from the media explosion. To quote Robert J. Samuelson in *Newsweek*: "When 98 per cent of households have TVs, and 81 per cent have VCRs, government doesn't need to subsidise 'public TV'."

This feeds into the larger political debate, which has transatlantic resonance. Why should the public purse subsidise culture at all? Gingrich's description of public television as a "sandbox for the rich" is not very different from the BBC's attempt to appease conservative critics by confessing its sin of "supervising the ABCs".

As in Britain, many conservatives in the United States believe the whole public broadcasting enterprise to be full of lefties. National Public Radio is a particular target. However, whatever

liberal opinions emerge from NPR are more than counterbalanced by the rabid right-wing shock-talk radio shows.

The Congressional drive to cut the federal subsidy will have to overcome the obvious evidence that the American marketplace does not deliver a diverse schedule of science, news analysis, music and documentaries. True, these programmes are now available on cable channels, but 40 per cent of Americans do not have cable.

Children's television could be the salvation of American public television. These programmes, notably *Sesame Street*, are the only source of serious daytime television uninterrupted by commercials. Across the United States, seats on the boards of public broadcasting stations are held by

Republicans who are pillars of the community and wish to remain so. They know, if Gingrich doesn't, that zeroing out the federal subsidy would put many of their stations off the air.

ONE benefit of a co-production such as *The Buccaneers* is that the American parts are played by Americans, not by British actors serving up a bastard mix of Oklahoma, Brooklyn and Boston accents. (The Royal National Theatre's current production of Lillian Hellman's *Children of Hour* is a particular horror for American-tuned ears.)

In the Merchant-Ivory film of Wharton's *Age of Innocence*, Daniel Day-Lewis produced the most accurate American accent I have ever heard from an English actor. He sounded like a rich, expensively educated WASP New Yorker: a reminder of what Wharton is all about — that the British have no prerogative on the social divisions of class, background and money.

Articles on aspects of broadcasting last week have provoked two more views of the changing face of the BBC

No radio identity crisis

Liz Forgan, BBC Radio managing director, answers the critics

R adio is headline news again. Somehow, the career moves of Steve Wright and Gerry Anderson have been combined with other unconnected events in realms of media commentary, some of it bizarre. Even Brenda Maddox in *The Times* last week talked of — to my amazement — "BBC Radio management's vain and foolish attempt to blur the identities of its national networks".

The reason for such media interest at present is that after an extraordinarily stable history, radio is now the area of greatest change in broadcasting. Where once the BBC held the monopoly, it faces 150 competitors. Now, more than at any other time in its history it is essential that the identities of the BBC networks are absolutely clear. Clarity, not blurring, will guarantee their survival in this burgeoning and volatile marketplace.

That is why I stopped Radio 2 from bending over backwards to attract the older Radio 1 audience, and why I rejected the proposition for a new station on Radio 4's long-wave frequency. Both would have blurred long-established identities. Instead, Radio 2 was allowed to concentrate on its natural 30-plus audience and is now, in the safe hands of Frances Line, a network in its prime. Radio 5 Live, by going back to the drawing board, achieved one of the most successful media launches of recent years and formed its distinctive identity (quite different from Radio 4's) in an astonishingly short time.

Anderson Country, which represented only a tiny part of the schedule, somehow came to symbolise a fear that Radio 4 was about to be vandalised. Nothing could be further from the truth. Radio 4 is a shining

example in world broadcasting and will remain so. Today, *Woman's Hour*, *Kaleidoscope*, *From Our Own Correspondent*, *Letter from America* — day in, day out excellent and unequalled programming — is taken for granted. Consistency, not change is the key to the network's success. That is the way listeners like it and so do I. But Radio 4, to ensure a future as golden as its past, must also reach out to the next generation lured by greater listening choices than we could have imagined a few years ago. Radio 4 must actively welcome them while staying true to its existing audience.

Anderson Country set out to build on the traditional R4 strengths of good feature-making and intelligent speech, but with a more discursive and informal tone. It had testing problems, the format has been proved, and developed well over time, the audience has remained solid throughout. At the end of a year, a reasonable period in which to decide, it was clear it wasn't the right format for Gerry but will develop better in the hands of other presenters.

Maddox's ultimate message is a curious mixture of defeat and complacency. Let young listeners drift away, do nothing to keep them and one day



Chechenia: From *Our Own Correspondent* has made "excellent" programmes on it.

they will somehow grow up and find the BBC. Once upon a time, maybe, but in this increasingly competitive market nobody with the responsibility for the future of BBC Radio in all its richness could be so sanguine.

Nowhere is this truer than at Radio 1. Before Matthew Bannister's arrival, its edges were beginning to blur. Come were the days when it blasted the pop stations off the air. It was inevitably losing listeners to the competition and the audience had been steadily ageing. Steps had to be taken to ensure that Radio 1 was offering something distinctive and unique and regaining

credibility with younger listeners. And Bannister, a brave and clear-headed controller, has rightly taken them. Under his leadership, Radio 1 is innovative and vital, a major patron of new music, comedy and talent, with an enormous audience, more than twice that of its nearest rival. It is a giant in the rock and pop broadcasting world. But it won't stay that way by going to sleep.

The notion that there could be some sort of struggle between those who make and broadcast radio and those who listen is utter nonsense. Everything we do is aimed at satisfying our listeners to the best of our skill and ability.

But that is a rather more complicated matter than simply counting listeners to *The Times* or calls to *Feedback*. Radio's audiences are not some undifferentiated mass of people with identical tastes and opinions. On every single issue — including the merits of *Anderson Country* — there are listeners who hold diametrically opposite views. And I do not believe that anyone, listener or critic, wants a BBC that simply counts heads and replaces editorial courage or judgment with a slavish following of the majority will.

Programme makers and network controllers are creative people with a complex set of demands. Respecting and understanding the wishes of all their listeners is high among them. But duty to listeners goes further. It demands the exercise of creative talent, the vision to see beyond the familiar and the courage to try — and sometimes to fail.

I believe our listeners understand that perfectly well, and we all share Brenda Maddox's concern for the future of BBC Radio in which all five networks survive — "intelligent, articulate, the BBC at its best".

Why the BBC should be privatised

My heart was touched to read of David Glencross's concern that the BBC should retain its right to funding through the licence fee (Media, last week). After all, who could possibly care more than the BBC that its access to licence revenue should stay inviolate?

Answer: the ITV companies whom Mr Glencross, as chief executive of the Independent Television Commission, very properly cherishes. The ITV companies are terrified that a licence-fee BBC might start to accept advertising, which may cause serious injury to those very same ITV companies, whose advertising income would be severely — possibly fatally — depleted.

However, Mr Glencross's altruistic formula for the BBC (franchising out its commercial activities and ring-fencing its licence-funded activities) is in reality a suspended death sentence for the BBC. For such a panacea is based on the assumption that BBC commercial activity will produce only 15 per cent of the BBC's total income; and such a limitation — even though it is, as Mr Glencross points out, accepted by the BBC — would artificially stunt the BBC's commercial growth.

No enterprise can survive if it artificially limits its activities in a free market; and let us be clear, in the burgeoning world of digital compression, on-demand programming and interactive services, expanding within the free market is the only viable future for the BBC. If it cannot compete with the biggest fish in the information superhighway sea, the BBC will dwindle into a British equivalent of America's Corporation for Public Broadcasting, funded partly by a grudging Exchequer and partly by pathetically solicited donations from a niche audience.

The BBC, although it would require torture to make its bosses admit it, has already understood these facts of life. That is why, as Mr Glencross points out, its bosses have decided to launch — in partnership with the dedicatedly commercial Pearson media conglomerate — two commercial satellite channels for the European mainland, funded by advertising and subscription. That is why they are planning to launch comparable services for the United States, transmitted by satellite and delivered by subscription-funded cable. Further global commercial

be the sum total of the BBC's commercial role.

The BBC will expand or innovate in other ways: increased feature-film production; hiring out its huge library of programme material throughout the world; adding to its two domestic terrestrial television channels by exploiting digital compression; providing on-demand and inter-active services provided it can find a partner — which could be BT, if the Government repeated its absurd ban on BT as a broadcaster — to deliver such services to the home.

But what about the BBC licence? How can that be protected? The answer is that it cannot. As commercial revenues account for an increasingly bigger proportion of the BBC's income, the justification for part-funding the BBC by a flat-rate poll tax will diminish and eventually disappear. Furthermore, as fewer and fewer viewers watch the BBC — and the BBC concedes, over-optimistically in my view, that its

No enterprise can limit its activities in a free market, says Gerald Kaufman

A clash of TV cultures



David Glencross's article, January 18

enterprises will undoubtedly follow. What is more, the BBC is surely bound to add to its commercially based satellite-delivered programming in this country, where (with Pearson again) it is already a partner in the UK Gold satellite channel. It cannot be too long before the BBC considers launching its own 24-hour news channel — delivered by satellite or cable or both — for the UK, to compete with Sky News, just as its overseas satellite news channels are intended to rival CNN.

A BBC which enters this kind of commercially competitive market cannot possibly decide to limit its revenue from such activities to 15 per cent of its total income. That revenue will be decided by the response of the market. Nor will these new channels

audience will have shrunk to 30 per cent of the total by the end of the decade — they will revolt against paying that tax.

The licence is on its way out, and so is the BBC as we have known it for more than 70 years. That does not mean that the concept of public-service broadcasting — for which, as Mr Glencross rightly asserts, we owe so much to the BBC — must die. Indeed, only a commercially buoyant and independent BBC will have the strength to protect public-service broadcasting.

Independent? Yes. A strong BBC must mean a market-oriented BBC. A market-oriented BBC is probably going to mean a privatised BBC. Maybe that is why Mr Glencross, ITV's custodian, is so desperate to keep things as they are — but as they cannot possibly remain.

The late middle-age show

THE APPEAL of ITV's *Coronation Street* knows no age barriers. The soap features high in both of our television ratings charts this week, which compare the top ten programmes among viewers aged 55 and over with those of 16 to 54-year-olds. *Alexandra Frenn* writes.

BBC's soap *EastEnders*, on the other hand, is a hit with the 16 to 54s, but does not make it into the top ten of the over-55s, while ITV's rural soap *Emmerdale* is a hit predominantly among the older group.

Audience age profiles are of equal interest to writers and producers as they are to advertisers, as they provide vital clues to age groups' attitudes. What is it, for example, about *Last of*

the *Summer Wine*, the BBC's long-running and quaint rural situation comedy about three retired school chums (now in its 22nd year), which makes it appeal so much more to the over-55s than a BBC sitcom about another old codger, *One Foot in the Grave*? Is it that the codger, Victor Meldrew in *One Foot in the Grave* is too realistic for comfort?

Although BBC's *National Lottery Live* programme does not appear in the top ten of the over-55s, its appeal is, in fact, spread pretty evenly across both age groups. On January 7 it was watched by more than 27 per cent of Britain's estimated 29 million 16-to-54s and nearly 28 per cent of the 14.4 million over-55s.

A "global roadblock" of advertising begins next weekend as Pepsi goes global in the cola wars for the first time. A raft of 17 new commercials, including two featuring Cindy Crawford, the brand's new celebrity, will reach 300 million consumers in 30 countries as Pepsi tries to repeat its success in America where Coke once outsold Pepsi three to one but is now neck and neck.

There, the famous Pepsi "taste challenge", together with "advertising that blazes through the clutter to grab consumers and hold on to them", really convinced America to join the Pepsi generation. Pepsi's advertising supremo, Now, he hopes, the rest of us will follow.

He has got a long way to go. In Europe Coke still outsells Pepsi three to one, and in 1993 (latest figures) only 5.6 per cent of Pepsi's profits came from international drink sales, compared with 78.7 per cent of Coca Cola's. While everyone has heard of Pepsi and knows what it is, there is still an artificial sweetener called aspartame-K (manufactured by Hoechst AG, the German chemical company) that avoids the tell-tale "diet" taste of diet colas. Pepsi Max could

In the continuing 'cola wars', Pepsi is striving hard to match its better-known rival

Now Pepsi's place is in your face, kid

is more nutritious, whicker packs a bigger punch. So the only way to sell colas is to offer convenient, good value, quality products — "genuine innovation" — and surround it all with in-your-face excitement.

One example of innovation is Pepsi Max, a diet cola sold as a tough young guy's drink and "the single most important new product in Pepsi's history", according to Wayne Mailloux, president of Wayne Mailloux, president of Wayne Mailloux International's Europe Division. Its secret ingredient? In-your-face advertising (of course), plus an artificial sweetener called aspartame-K (manufactured by Hoechst AG, the German chemical company) that avoids the tell-tale "diet" taste of diet colas. Pepsi Max could



Tough stuff: Pepsi's "Life to the Max" ad

showing the all-American Cindy Crawford sacrilegiously staining her beauty by wearing braces on her teeth, young men jumping off sheer cliffs and "living life to the Max", and a few ads which might just run foul of comparative advertising laws by suggesting that a depicted can of Coca Cola is the older generation's drink.

There is also a gaggle of teenagers frolicking in a waterfall and a voice-over going on about being "nothing but real". This new slogan for 7UP will, the company hopes, gain 7UP the global "megabrand" status it deserves. It provides the link between 7UP's "key product attributes (clear, not artificial, natural and refreshing) and important teen moti-

ations (to be myself, to be with my friends and to do my own thing)", gushes the blurb. "Teens don't want to be clones. They aren't sold on glitz. They want what's real and genuine," it continues.

Yet behind all this glitzy genuineness, there's hard commercial calculation. Pepsi's expansion plans are threatened by new competitors like Sainsbury's Classic and Virgin Cola, which are cutting the ground from under its feet. In countries like the UK, Pepsi has had to cut its prices to keep sales up, admits Mr Mailloux. But on the plus side, every 1 per cent of market share Pepsi gains in Europe translates into \$200 million worth of sales, he points out. To gain extra revenues like this, over the past five years Pepsi has spent \$2 billion developing its international bottling and distribution network.

So what about all that hype? "We always position it as cola wars, because as a matter of fact, 'the cola wars' are good for the soft drinks business," admits Mr Mailloux. "It's really a strategy that gets attention. Consumers are interested in it and both brands are able to grow."

ALAN MITCHELL

THE TIMES TV TOP TEN AND ROUNDOFF UNDER 5

January 2 to 8, 1995									
Programme	Date	Time	Chan	Producer	Genre	Audience (Millions)	All 4+	16-54s	55+
1. <i>Coronation Street</i>	Fri 6	19.30	ITV	Granada Television	Drama	13.1	6.4	7.1	6.2
2. <i>The Glass Virgin</i>	Fri 6	21.01	ITV	BBC1	Drama	12.5	6.2	6.1	6.1
3. <i>Adrian Mole</i>	Sat 7	17.30	BBC1	BBC1	Drama	11.7	4.8	5.9	5.9
4. <i>Emmerdale</i>	Tue 5	19.01	ITV	Yorkshire Television	Drama	10.7	4.0	4.7	4.7
5. <i>A Touch of Frost</i>	Sat 7	20.30	ITV	Yorkshire Television	Drama	10.7	4.0	4.7	4.7
6. <i>Last of the Summer Wine</i>	Sun 8	19.05	BBC1	BBC	Drama	10.4	4.0	4.7	4.7
7. <i>Mind to Murder</i>	Mon 2	20.31	ITV	Central/Carton UK	Drama	10.1	6.8	6.7	6.7
8. <i>Kingsley</i>	Tue 5	20.02	ITV	Thames Television	Drama	10.0	7.1	6.6	6.6
9. <i>The Bill</i>	Fri 6	20.02	ITV	BBC1	Drama	10.0	4.3	5.6	5.6
10. <i>News and Weather</i>	Sun 8	18.15	BBC1	BBC	News	10.0	4.3	5.6	5.6
11. <i>EastEnders</i>	Tue 5	19.30	BBC1	BBC	Drama	10.0	9.9	4.8	4.8
12. <i>Coronation Street</i>	Wed 7	19.30	ITV	Granada Television	Drama	10.0	9.2	4.6	4.6
13. <i>The National Lottery Live</i>	Sat 7	19.30	ITV	BBC1	Drama	10.0	9.2	4.6	4.6
14. <i>Adrian Mole</i>	Mon 2	19.01	ITV	Yorkshire Television	Drama	10.0	8.0	4.7	4.7
15. <i>A Touch of Frost</i>	Sun 8	20.30	ITV	Yorkshire Television	Drama	10.0	7.7	3.1	3.1
16. <i>International Standstills</i>	Sun 8	18.15	BBC1	BBC	Drama	10.0	7.7	3.1	3.1
17. <i>One Foot in the Grave</i>	Sun 8	21.11	ITV	BBC1	Drama	10.0	7.7	3.1	3.1
18. <i>The Bill</i>	Fri 6	20.02	ITV	Thames Television	Drama	10.0	7.1	6.6	6.6
19. <i>Mind to Murder</i>	Mon 2	20.31	ITV	Central/Carton UK	Drama	10.0	6.8	6.7	6.7
20. <i>Kingsley</i>	Tue 5	20.02	ITV	Thames Television	Drama	10.0	7.1	6.6	6.6

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Pages 46, 47

THE TIMES

BUSINESS EDITOR Lindsay Cook

WEDNESDAY JANUARY 25 1995

Rate rise fears grow despite CBI optimism

By Philip Bassett, Industrial Editor

LEADERS of the Confederation of British Industry insisted yesterday that new CBI figures showing sustained economic growth but increasing price pressures offered no evidence for a further rise in interest rates.

Despite the CBI's warning, fears of a new rate rise grew as economists maintained that Kenneth Clarke, the Chancellor, and Eddie George, the Bank of England Governor, were likely to agree a further rise in base rates when they meet next week.

The CBI's quarterly industrial trends survey showed that in the past four months, total new orders grew at their fastest for almost seven years, while export orders and deliveries expanded faster than at any time since 1983.

The outlook over the next four months is even more impressive, with export demand growth expected to be the quickest since July 1977.

The confederation said that almost no further job losses were expected over the period. But unit costs are expected to be at their fastest for four years, while domestic and export prices are set to rise at their sharpest for five years. Investment intentions are falling back slightly.

Andrew Buxton, chairman of the CBI's economic affairs committee, said the survey, conducted among more than 1,100 companies, showed that Britain's export-led recovery remained firmly on course.

He acknowledged that cost pressures, mainly due to rising imported raw material prices, were continuing to build up, but had yet to feed fully into higher prices — but said there was nothing in the survey to justify an immediate rise in interest rates.

However, Mr Buxton, who is also Barclays Bank chairman, added: "I have no doubt that at some point an interest

rate rise will be necessary, but I do not happen to think it's necessary now."

CBI analysts are concerned about rising prices, and accept that raw material input prices have picked up significantly since the middle of last year, but believe the latest survey shows that manufacturers have been able to contain growth in average unit costs, principally because of favourable labour cost trends and strong competitive pressures.

While the balance of companies — those recording a rise against those registering a fall — reporting price rises is roughly stable at 10 per cent, those forecasting prices going up over the next four months is much higher at 33 per cent.

But CBI analysts pointed out that companies tend to revise list prices at this time, and that in only one of the last 20 quarterly surveys have manufacturers' price expectations been fully realised.

The Treasury pointed to the optimistic CBI figures on exports as clear signs of the strength of the economic recovery. City economists said the findings strengthened the case for another base rate rise from 6.25 per cent to prevent the economy overheating.

David Walton, of Goldman Sachs, the US investment bank, said the survey contained ample evidence for Mr George to press for an immediate rate rise when he saw Mr Clarke next Wednesday if he felt one was needed.

LI Michael Heseltine, President of the Board of Trade, will tomorrow announce a Government initiative on industrial competitiveness following last year's White Paper on the issue, which was originally prompted by the CBI.



Something to smile about: Philippe Bourguignon boosted attendance over Christmas

Disneyland Paris rises 10%

EURO DISNEY has found a new class of customer, whose visits helped to lift total attendance 10 per cent in the first financial quarter to December 31, according to market estimates (Martin Walker writes).

The theme park was the surprise destination for a number of Christmas parties held

by big French companies and even by government bodies — the French Ministry of the Interior, for example, sent 15,000 staff there for a day. The company was reporting a sharp improvement in losses for the first three months. These were cut from Fr491 million in the corresponding quarter to Fr109 million, although most of the improvement came from last year's financial restructuring.

Philippe Bourguignon, chairman, said: "Although we still have a lot of work to do, we are very encouraged."

(Tempos, page 28)

ICA may merge with Cima

By Robert Bruce

THE Institute of Chartered Accountants in England and Cima, its industrial counterpart, are considering a merger in their bid to dominate the market for accountants in business and industry.

If talks succeed, the process will create an accounting body of more than 140,000 accountants, of which about 80,000 will be based in business and industry.

The announcement followed yesterday's meeting of the six existing British accounting bodies that ended without an agreement to proceed with a plan to unite under the "Bishop proposals".

The English ICA and Cima announced that they are to undertake exploratory talks to see whether there is a basis for a merger between the two bodies.

The aim, according to Roger Lawson of ICA and also the president of the English ICA, is "to do something positive about the absurd structure of our profession".

He emphasised that during the efforts to unite all six bodies, the members of Cima and the English ICA had shown in surveys that they were most in favour of change.

Meetings will start next week to discover whether a true consensus exists. Tom Glancy, president of Cima, said: "Once both councils agree, then we can get down to the nitty-gritty."

Mr Lawson said he believed that the final result "could be a federal structure creating an umbrella body with two arms". This would enable the two strands of the profession, practising and non-practising, to preserve their identity.

He hoped that the final vote could be taken at the annual meetings of the two bodies next year "or sooner if possible".

Pennington, page 27

BUSINESS TODAY

FT-SE 100	2888.0	(+14.8)
Yield	4.53%	
FT-SE All share	1475.48	(+8.25)
Nikkei	18062.73	(+275.24)
New York		
Dow Jones	3667.07	(-0.24)
S&P Composite	486.20	(+0.38)

3-mth Interbank	8 1/8%	(8 1/8%)
Life long gilt	100%	(100%)

New York	1.8872	(1.8855)
London	1.8885	(1.8887)
DM	2.4141	(2.4116)
FF	0.2351	(0.2340)
SP	2.0294	(2.0242)
Yen	169.05	(169.03)
\$ Index	80.5	(80.1)

London	1.8117	(1.8116)
DM	2.2610	(2.2635)
FF	1.2710	(1.2655)
Yen	80.6	(80.72)
\$ Index	80.5	(80.5)

Tokyo close Yen 98.75		
London close	1.8125	(1.8115)
Frank 15-day (Apr)	118.70	(118.60)

London close	1.8125	(1.8115)
* denotes Friday trading price		

Brand names		
Fortuoy, the large		
newspaper chain, and		
Prestige, the cooking utensils		
group, are being put up for		
sale by Gallaher, the tobacco		
group, as part of yet more		
disposal plans announced		
yesterday by American		
Brands, the holding company.		
Page 27		

Does not pay		
Business leaders argue that		
the row over big pay rises for		
a minority of directors		
increases the suffering of the		
majority. Directors, however,		
acknowledge their standing		
has been damaged by		
publicity on high pay Page 29		

New and old Saatchi pitch for BA account

By Our City Staff

MAURICE SAATCHI, the ousted advertising boss, was yesterday given the chance to compete with his old company for the £60 million British Airways account.

BA said it would review its 11-year advertising association with Saatchi & Saatchi after Maurice Saatchi resigned last month. He has set up a fresh venture — New Saatchi.

BA invited Saatchi & Saatchi, New Saatchi and two other advertising companies

to pitch. The companies, which also include J Walter Thompson and Bartle, Bogle & Hegarty, have eight weeks to prepare a case.

Saatchi & Saatchi enjoyed a long and successful link with BA and helped to produce some memorable TV adverts. J Walter Thompson, of the US, has worked on the Oxo, BT and Kellogg accounts. Bartle, Bogle & Hegarty, the London firm, has been associated with Levi jeans and Volkswagen.

Power sale investors get choice of bonuses

By Martin Walker

INVESTORS in this spring's government sale of the two power generators, National Power and PowerGen, will be offered either a discount on the price they pay or bonus shares to encourage them to hold onto their shares.

Advisers to the £4 billion sale of the Government's remaining 40 per cent of the two companies yesterday announced incentives for the private investor, emphasising that these would be available only to those buying through the 130 share shops handling the issue. Investors can choose a 25p-a-share discount on the price of the first 800 shares in the companies allocated. Alternatively, they may have one free share for every 15 allocated, up to a maximum of 80 free shares, but only if the shares are held for three years.

The companies are being sold in a pre-determined package of three shares in National Power, the larger company, for every two in PowerGen. The discount will be available as 10p off the second instalment and 15p off the final payment, expected to fall due in 15 to 18 months' time.

For incentives to be available to them, potential investors must register for the share offer by a deadline expected to be in mid-February, just before the UK public offer. A pathfinder prospectus is due on Monday.

Pennington, page 27

BZW to manage £2bn of ICI pension fund

By Patricia Trehan, Banking Correspondent

ICI is handing over the management of almost half its £4.6 billion pension fund, one of the UK's largest schemes, to BZW Investment Management, part of Barclays' investment banking arm.

BZW will manage £2 billion of the assets in index funds, linked to the performance of the stock market. The rest is expected to be shared between a group of external managers, with Gartmore, PDM, Schroder Investment Management and Mercury Asset Management (MAM) thought to be in the running. Some managers will run portfolios with an overseas bias, or invest in specific assets.

BZW is the largest of a small group of index fund specialists. It manages £18 billion in index funds, out of its total of £50 billion funds under management and advice. Such funds offer a lower risk, lower return strategy.

ICI decided to ask external managers to bid for the business last month. The decision

followed the sudden death of Thomas Heyes, its investment head, who was well regarded in investment circles.

The move was also partly prompted by the decision of Zeneca, the drugs company that was demerged from ICI

to its pensions report published in November, and only 20,000 contributing members. Its investments have been concentrated in UK and overseas equities, with an estimated 10 per cent in bonds.

An ICI spokesman said he was unable to comment on the appointment of BZW as the process of deciding on external managers of the funds is not yet completed. A decision on the other managers is expected by the end of the month.

He said that ICI decided to appoint external managers because "it is felt that the current in-house managers are not as well equipped as external managers to deal with the increasing complexity and sophistication of today's financial markets."

Using external managers "should reduce the vulnerability of being exposed to a single investment strategy," he said. The combined ICI and Zeneca pension funds had been the tenth-largest scheme in Britain.

In 1993, to withdraw £1.3 billion in pension assets from the ICI fund last April and to appoint PDM, MAM, Schroders and JP Morgan Investment Management as its pension managers.

ICI has 32,000 current or deferred pensioners according

to its pensions report published in November, and only 20,000 contributing members. Its investments have been concentrated in UK and overseas equities, with an estimated 10 per cent in bonds.

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ICI has 32,000 current or deferred pensioners according

Glaxo raises massive loan

By Sarah Baghall

GLAXO, the UK drugs company, has raised the largest syndicated loan ever seen in Britain in order to part fund its £9.4 billion offer for rival Wellcome. The commitment fee payable to the banks is alone estimated to be more than £30 million.

On top, Glaxo will have to pay an estimated £447 million annual interest on the loan, equal to 25 basis points over three-month London Inter Bank Offer Rate.

The facility is thought to be for £5.5 billion; details are not disclosed, but it is believed to involve a select group of lead underwriters, including NatWest and Midland Bank.

The group of ten banks are said to have provided committed lines of £700 million each, the bulk of which will be syndicated out to a large number of other banks. This is not expected to take place until the deal goes ahead.

Glaxo will pay an arrangement fee and underwriting fee, which together are estimated at about five basis points. The lead group of banks will also receive a commitment fee, payable until drawdown of the facilities occur, this could be equal to about 50 per cent of the interest charge. On top, there will be the annual interest charge, which Glaxo may opt to swap to a fixed rate charge rather than leave it open to fluctuation.

The City estimates that the loan will push Glaxo's gearing up to more than 300 per cent. The Wellcome board is still considering whether to recommend acceptance of Glaxo's offer.



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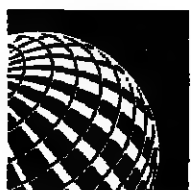
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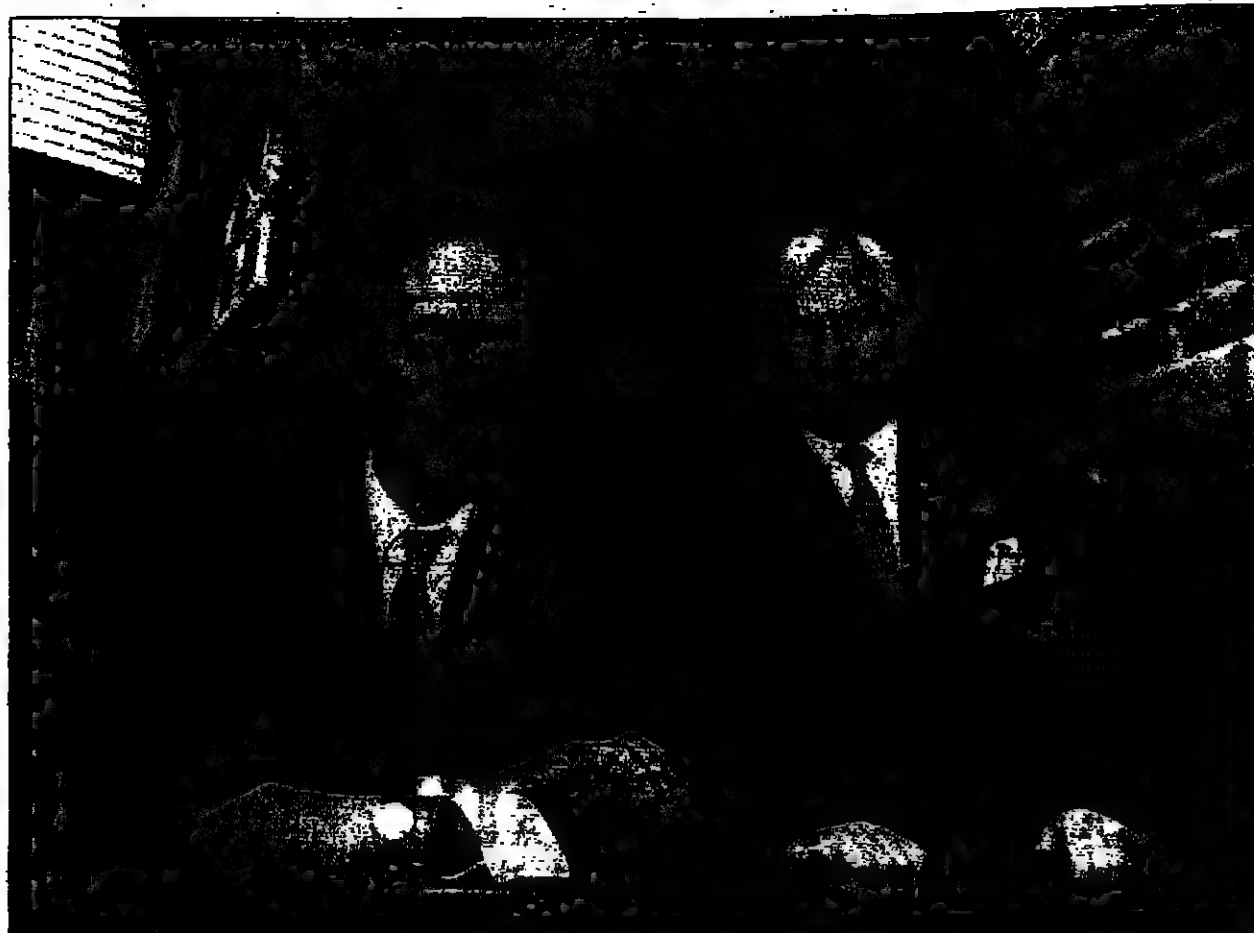
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Nick Salmon, left, and John Parker, chairman, announced the deal to supply power station boilers to China.

BABCOCK INTERNATIONAL, the engineering group, has won a \$200 million contract to supply coal-fired boilers to two new power stations in China, the largest power contract the group has won in more than two years (Neil Bennett writes).

The contract will help the group to protect up to 1,400 jobs at its works in Crawley, West Sussex, and Renfrew, Nick Salmon, Babcock's chief executive, said the company

Babcock wins \$200m contract with China

won the order after its successful work on the Yueyang power station, which opened officially early last year.

The company's energy division won the contract as part of a consortium along with Westinghouse, which is building the turbines, and Sargent

& Lundy, the American engineering consultancy. The contract is expected to be signed in the middle of next month and engineering work should begin almost immediately.

The contract is being financed by export credit and has been ordered by Huaneng

Power International, which will own and operate the stations.

The contract is an important victory for Babcock, which is trying to improve the profitability of its traditional power division and has been pitching for a series of large contracts. "It is encouraging progress in line with our corporate plan and reflects the high level of competitiveness we have now achieved," Mr Salmon said.

Half of ECGD cover goes on arms trade

By COLIN NARBROUGH, WORLD TRADE CORRESPONDENT

NEARLY half of government export credit guarantees went in support of the arms trade to the last fiscal year, according to the annual report from the Export Credits Guarantee Department (ECGD).

The report, which was issued yesterday, showed cover provided for exporters in the defence industry rising to a record £57 billion in the year to March 31, 1994, from £4.59 billion the previous year.

This boosted the proportion of total ECGD capital goods and project business to 48 per cent from 42 per cent the year before, a development likely to provoke further criticism of the Government's use of taxpayers' money to foster the arms trade.

The ECGD raised the

amount of new business insured overall by 8 per cent to £4.09 billion, its best showing for a decade, and became a net cash contributor to the Exchequer for the first time since 1982, handing over £40 million.

The World Development Movement (WDM), the Third World lobby group, said ECGD support for the arms trade was out of all proportion to the sector's contribution to British exports.

Harriet Lamb, of WDM, said that arms-only average about 1.7 per cent of total exports, yet last year received almost half the export credit support.

She added that the Government was putting taxpayers' money at risk by increasing

ECGD exposure to troubled economies as Saudi Arabia and the Gulf States, which received more than 90 per cent of the guarantees issued for 1993-94.

Brian Willott, the ECGD chief executive, said that the percentage of cover for the arms trade reflected the after-effects of the Gulf War and that the share of ECGD backing for the industry was this year expected to fall back to a more usual 20 per cent.

He noted that a better picture of the trend could be seen over the past ten years, when the share of support going to the defence industry exports had averaged between 10 per cent and 30 per cent.

With just over two months to go until the end of the

current financial year, the ECGD has only achieved about three-quarters of the level of new business done at the same stage last year. Big contracts could, however, still swell the figures before the end of the year.

Mr Willott said that the focus of ECGD business had this year switched back from the Middle East to Asia.

The ECGD, which made an overall trading surplus of £407.5 million in 1993-94, will have a total exposure to China and Hong Kong, after Peking takes control of the Crown Colony in 1997, of £3.2 billion. Despite growing concern in the West about defaults, Mr Willott said that the ECGD had had no problems at all with China.

C&G action group calls for special meeting

By ROBERT MILLER

AN action group representing thousands of dissatisfied Cheltenham & Gloucester investors has called on the building society to convene a special meeting to discuss alternatives to the proposed £1.8 billion takeover by Lloyds Bank.

C&G Alternatives, which has more than 3,000 members, said yesterday that it had written requesting the meeting to test opinion among all members on key issues. These include providing value to widows, thousands of whom have been excluded from the bonus payout, borrowers and those who have switched accounts, on C&G's advice, and have suffered as a result.

Paul Rivlin, founder of the action group, said: "Flotation has been chosen by the leading building society, the Halifax, and there are parliamentary initiatives in progress in favour of widows. It is perverse for the C&G board to persist with a takeover on the

current timetable when a flotation would be much fairer."

Douglas French, Conservative MP for Gloucester, last week introduced a Bill to bring "fairness and justice" to many C&G investors. This followed a similar Bill introduced in the Lords by Lord Dubs, the Labour peer.

But the C&G, which is head-

ed by Andrew Longhurst, said that even if Mr French's Bill was rushed through it would be too late for those widows and divorcees who had been excluded from the payout.

Mr French said: "My Bill is due for its second reading on February 3. If it gets through then the C&G must postpone its voting date or perhaps it should seriously reconsider alternative methods of achieving its objectives, including flotation. It would be most unreasonable to ignore what is happening."

"But at the moment the society seems determined to press on regardless. I have had some discussion with Anthony Nelson, the Economic Secretary to the Treasury, and he has considerable sympathy with the objectives of my Bill."

C&G said it had received the action group's letter and added: "When it gets to the chairman, he will respond."



Longhurst: Bill too late

Big rises for US sister banks

By GEORGE SEVILL

AMERICAN subsidiaries of two British banks yesterday reported substantial rises in profits for the October to December quarter of trading.

Marine Midland, the US division of HSBC Holdings, said net profit in the fourth quarter ended December 31 rose 36 per cent to \$61.9 million from \$45.4 million a year earlier. This took net income for the year ended December 31 up 32 per cent to \$229.3 million. Expenses fell 8 per cent from 1993.

Citizens Financial Group, the American subsidiary of The Royal Bank of Scotland based in Providence, Rhode Island, announced an 82 per cent rise in core earnings to a record \$20.9 million in the October-December quarter, the first in the current financial year.

Core earnings in the same quarter of last year were \$11.5 million, but a one-off accounting change lifted earnings to \$17.3 million.

Net interest income rose 50 per cent to \$91.6 million. Non-interest income fell from \$25.6 million to \$25.1 million.

Protection proposed for small investors

Code seeks fair shares for all

By GRAHAM SEARJEANT, FINANCIAL EDITOR

PRIVATE shareholders pushed into nominee accounts by changing Stock Exchange settlement systems or the rules of personal equity plans would enjoy nearly all the benefits of direct share ownership under a proposed new code of practice.

The code, drawn up by a working group for ProShare, the body set up to represent individual investors, would put the onus on companies to give shareholders using nominees their usual rights. Shareholders would have to ask their nominee company to request the company whose shares they owned beneficial-

ly to treat them as direct shareholders. Under the code, shareholders would then receive annual reports, interim statements, as well as other documents involved in rights issues, scrip issues and takeover bids. In such cases, it would be up to shareholders to ask their nominees to take the chosen action.

Shareholders should be entitled to any perks and benefits available to investors who hold their shares directly. They should also be able to vote at company meetings by proxy and probably to attend and speak at meetings. A survey conducted for

ProShare found that shareholders were keener to retain the full benefits of shares than many had assumed.

The proposed code seems to have secured approval from nominee companies. Opinions among quoted companies are less clear-cut. Three-quarters of the companies polled generally approved of the code but only 14 per cent said they were "very likely" to support it. Code if it were introduced, 70 per cent said they were "fairly likely" to implement the code.

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Bank	Share	Bank	Share
Australia & New Zealand	2.22	Barclays	2.00
Austria & Lombard	17.50	Bank of America	16.40
Belgium & Luxembourg	22.77	Bank of China	46.47
Canada & Caribbean	2.85	Bank of India	2.20
Ceylon & Ceylon	0.79	Bank of Japan	0.79
Denmark & Norway	10.19	Bank of Korea	8.33
France & Monaco	8.36	Bank of Malaysia	3.41
Germany & Switzerland	8.80	Bank of Mexico	8.15
Hong Kong & Shanghai	2.52	Bank of New Zealand	2.30
India & Ceylon	2.52	Bank of Oman	1.00
Italy & Sicily	2.52	Bank of Pakistan	1.00
Japan & Korea	11.17	Bank of Portugal	1.00
Malaysia & Singapore	1.00	Bank of Romania	1.00
Netherlands & Indonesia	1.00	Bank of Saudi Arabia	1.00
Norway & Sweden	1.00	Bank of South Africa	1.00
Poland & Czech Republic	1.00	Bank of Spain	1.00
Portugal & Brazil	1.00	Bank of Thailand	1.00
Romania & Bulgaria	1.00	Bank of Turkey	1.00
Saudi Arabia & Kuwait	1.00	Bank of Venezuela	1.00
Spain & Portugal	1.00	Bank of Yugoslavia	1.00
Switzerland & Austria	1.00	Bank of Zimbabwe	1.00
Taiwan & Hong Kong	1.00		
USA & Canada	1.00		

□ Nominee code will not work voluntarily □ Auditors have another go at fraud □ City will decide the discount on power float

Law needed for shareholder rights

THE paradox of wider share ownership is that it threatens to disenfranchise the very investors government and the City have sought to encourage. Many have simply bought a few shares in privatised companies and sat on them. Those of the new generation who venture further, or are more active, are being pushed ever more firmly to hold their shares via nominee companies. This is inevitable if they use personal equity plans, whose tax concessions are the main spur to stock market investment in the post-privatisation era. It will become de rigueur for all who deal under the new settlement systems being introduced by the Stock Exchange and developed by the Bank of England. Yet the nominee system cuts investors off from the companies whose shares they beneficially own.

The Bank asked ProShare to resolve these problems. After much courtly and judicious opinion-taking, ProShare has come up with the goods. It found that investors follow their shares regularly and often. They may not understand all the documents thrust upon them, but most want the information, the option of involvement and the right of choice in matters such as share issues and takeover bids. Perks are also popular and contact is vital if companies are to mobilise their shareholders as

a supportive fan club. The code presented in ProShare's latest consultative document would, at first gaze, satisfy nearly all the shareholder's reasonable requirements. One weakness is that it would not oblige unwilling companies to allow indirect shareholders to attend and speak at general meetings. But the code as a whole should do the trick.

The trouble is that there seems no great likelihood of these good ideas being put into practice. They require the active support of quoted companies and also of nominee companies, who must pass on and implement investors' wishes. Yet those polled for ProShare did not seem wildly enthusiastic.

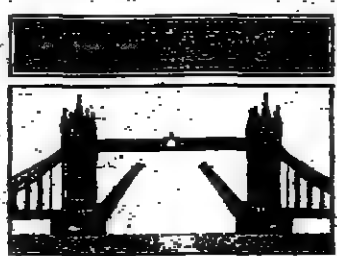
Many quoted companies do not really believe that private shareholders are interested, mainly because so few resist their passive attempts to withdraw annual reports. Companies foresee an increase in costs and they do not like it. While three quarters approve the code in principle, only one in seven was "very likely" to implement one if it is introduced. Just as many were not likely to. Among nomi-

nee companies, likewise, general support was tempered by lukewarm enthusiasm for providing the facilities laid down in the code. A significant proportion said they would not do so. Such lack of enthusiasm means that many nominees would charge investors heavily for the normal rights of ownership.

The conclusion is simple if unpalatable. The code will not work voluntarily. If shareholders are not to be disenfranchised, their rights, as expressed in the ProShare code, will simply have to be enforced by law. Investors will soon find out if the Government cares enough to act.

True, fair but slow

WHEN people are partners in their own businesses, changing ways and reforming professional duties is harder than when a few bosses can lay down the law. But the momentum of change in accountancy is accelerating. Plans to unify the profession, forever being promoted by its leaders in response to prodding



by the authorities, are still way off. The six professional bodies tacitly asked a distinguished former president of a junior body to consult and draw up the latest mega-plan. It got nowhere.

Clambering from the ashes, the English chartered accountants and the management accountants have decided to resurrect their own bilateral merger talks. Roger Lawson, current president of the ICAEW, works in industry, helping to give the exploratory talks a favourable wind. The trouble is that the English Chartered accountants, the senior body, is forever initiating such moves, only to have them frustrated. The Scottish Institute rejected a merger the English approved.

Then the ICA's members failed to back their leaders' plan to merge with the public sector accountants of CIMA. Expectations of a merger with CIMA will therefore start low.

The drive to set higher professional standards is moving much faster, thanks to Sir David Tweedie, the Accounting Standards Board has set out its way through the old ways of fudging profits, though it got bogged down in the goodwill debate.

The Auditing Practices Board, is moving jerkily but ever faster. Its latest standards have a triple advantage. They force all auditors to adopt existing best practice. They extend watchdog function on behalf of third parties. And they should give greater legal protection to investors who follow the standards faithfully, if things go terribly wrong.

Change is fast. So these standards are the product of the last round of thinking. Since then, the APB's *Amend Agenda* has proposed, among other things, increasing auditors' individual responsibility and independence. Leading auditors argue that the

board show go further to meet public concerns on fraud. Only the next major recession will show how far reform succeeds.

The Treasury's electric plug

THE IFR advisers to the £4 billion Cencos issue are becoming unnerved by the regulatory, political and other health warnings that are going to be slapped on the pathfinder prospectus on Monday. They are showing few signs of it at this stage.

The goodies to tempt in the private investor, as ever, would seem to have been designed to widen and flatten share ownership, since they favour the smaller investor, but that has always been the aim of such government share sales.

As the share prices stood in the market yesterday, the investor would have to spend more than £4,000 before he or she reaches the cutoff point at which no further discount would become available. At the same time, if the investor decides to go for bonus shares, these stop being added

once his or her allocation goes above £5,000.

The bonus share scheme therefore represents a 6.7 per cent effective improvement in the terms to the loyal investor but only arrives after three years; the improvement to the price on offer is nearer 5 per cent if he or she goes for the discount, but this benefit is the first to fall due, at the time of the second and third instalments.

All this is much in line with other privatisations. Once again the Government is saying, let the City institutions price this one among themselves, and we will then build in an automatic discount to the retail investor. The crunch will come right at the end of the offer timetable, when the latter learns just how much of a discount to the price the City is paying is on offer.

Glaxo's generosity

GLAXO'S £9.4 billion bid for Wellcome is the best news the financial community has had for years. The fees that the drugs group will have to pay to execute the deal are being spread all around the City, while the group's £6.5 billion loan will, on its own, provide the British banks with the asset growth they have needed. That should cure a few ulcers among the City fraternity quicker even than Zantac.

Gallagher plans to sell Prestige and Forbuys

BY GEORGE SIVELL, ASSISTANT BUSINESS EDITOR

FORBUYS, the large newsagents chain, and Prestige, the cooking utensils group, are being put up for sale by Gallagher, the tobacco group, as part of yet more disposal plans announced yesterday by American Brands, the holding company.

American Brands said that it plans to dispose of a number of non-strategic businesses and product lines and took a pre-tax, mostly non-cash, charge of \$245 million in the fourth quarter, based on expected proceeds of \$150 million to \$175 million from the disposals.

Gallagher said the disposals followed a strategic review. Prestige's product range in-

cludes stainless steel cookware, pressure cookers and kitchen tools which are sold in Britain and overseas.

Forbuys has 700 confectionery, tobacco and newsagent outlets in Britain, which have sales of about £300 million. It is understood to be a likely target of a management buyout offer, expected to be led by James Lancaster, the chairman of the Gallagher retail division, and to be advised by accountants Ernst & Young.

Prestige and Forbuys, both based in Britain, had combined sales of \$752 million during 1994 but suffered a combined net loss of \$3 million net. Gallagher said yester-

day that it had appointed Kleinwort Benson to handle both the Forbuys and Prestige sales.

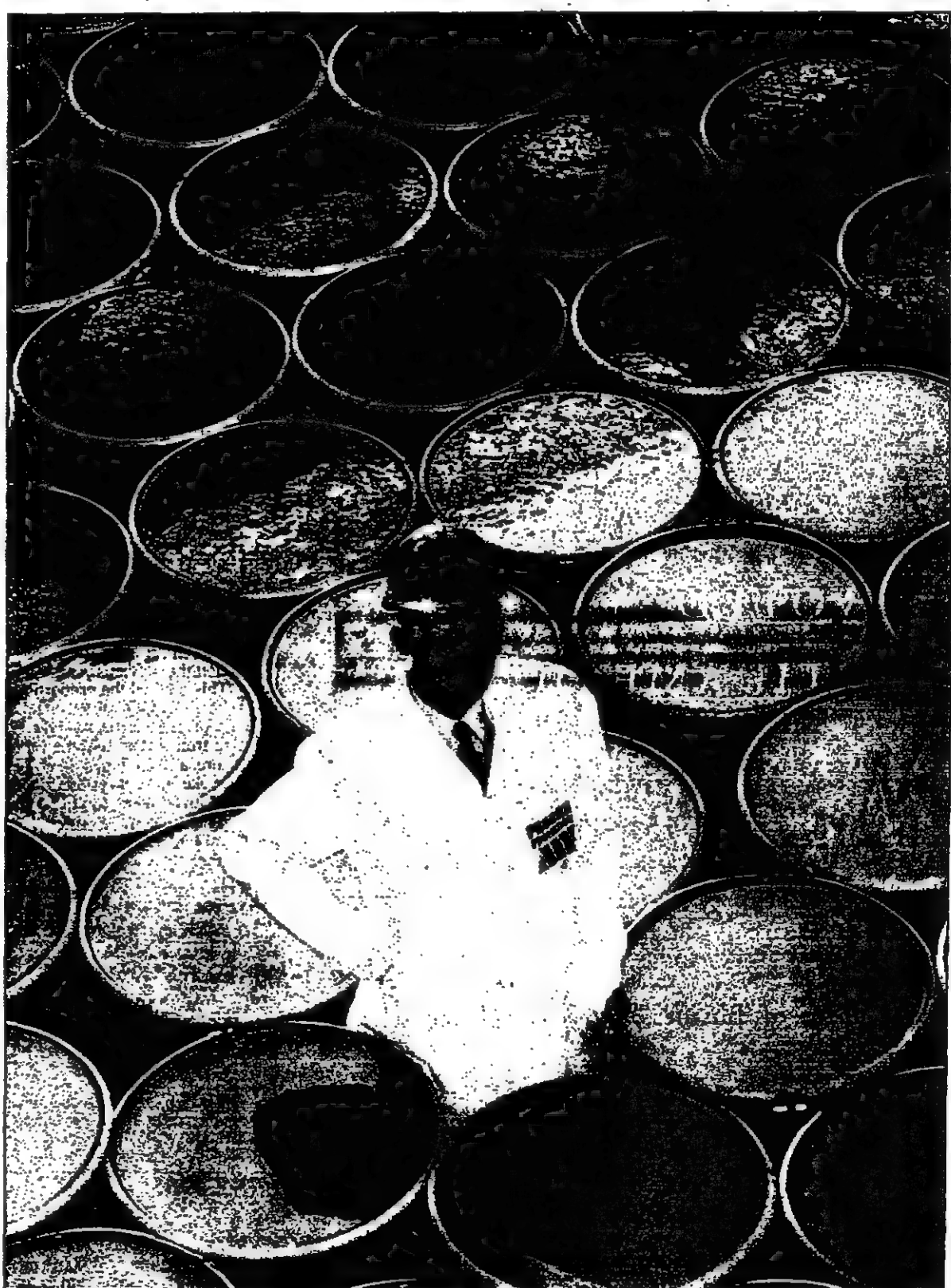
Peter Wilson, chairman and chief executive of Gallagher, said: "Both these long-established companies are among the leaders in their respective fields, but are no longer considered strategic to the future of Gallagher Limited. Accordingly, we have decided to offer them both for sale."

At the end of last year, American Brands was allowed by the Federal Trade Commission in America to sell its American Tobacco subsidiary to British BAT for \$1 billion. Final approval for this disposal followed agreement on the \$1.17 billion sale of Franklin Life Insurance to American General. The deal is still subject to regulatory approval.

American Brands said that it would use the Franklin proceeds to buy back shares on the market. It also said that it was aggressively restructuring operations to enhance the group's presence as a "consumer powerhouse" with leading market positions.

Yesterday, American Brands reported a rise in net profits for 1994 to \$885 million from \$841 million in 1993. The 1994 figure, however, included a \$333 million gain from disposals and excluded a \$151 million charge from discontinued operations. The 1993 figure excluded a \$127 million gain from discontinued operations.

During the fourth quarter, net operating profits rose from \$144 million to \$472 million, including the \$333 million gain from disposals.



Robin Paul, chief executive of Albright & Wilson, which made estimated operating profits of £62.7 million

Albright & Wilson valued at £600m

BY CARL MORTIMER

ALBRIGHT & WILSON, the company that puts the kick in Coca-Cola and the foam in Timotei, enhanced prospects for its February flotation with 11 per cent higher operating profits.

The West Midlands chemicals group, established more than 100 years ago making phosphorous for matches, estimated operating profits of £62.7 million for 1994 and pro forma earnings of £40 million. Analysts anticipate a flotation value of £600 million for the group, all of whose shares are being sold by Tenneco, the American conglomerate.

Albright's pre-tax profits for 1994 will be hit by a £20 million provision including the cost of restructuring its surfactants business, where profits have been hit by competition. The provision also includes £10 million for environmental costs and a £3.6 million Mexican currency exchange loss.

Albright is the world's largest maker of purified wet phosphoric acid, used in food, soft drinks and detergent. Profits from phosphates have more than doubled to £44.6 million and account for more than 70 per cent of the group's operating profits and Dr Robin Paul sees further growth in North and South America. Last month Albright took a half-share in a Mexican plant capable of producing 150,000 tonnes of wet phosphoric acid.

Surfactants account for more than a third of sales but stiff competition in a market that supplies detergent and toiletries manufacturers has hurt Albright and last year the company shed 150 staff in its plants at Whitehaven, Cumbria, and near Lake Garda, Italy. Albright only made £9 million from surfactants last year but Dr Paul expects margins to improve with expansion in Asia from joint ventures helping to raise profitability.

Tenneco is selling Albright with only £39 million in debt, mainly short-term working capital facilities and pro forma gearing at the end of September was only 12 per cent.

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Meggitt issues profit warning

BY MARTIN BARROW, CITY NEWS EDITOR

MEGGITT Holdings, the aerospace and electronics group, yesterday warned of a sharp fall in profits as a result of a disappointing performance at one of its American subsidiaries.

The company said profits for the year to the end of December would not exceed £15 million before tax, compared with profits of £23.3 million earned in 1993. Analysts had been forecasting profits of between £18 million and £20 million.

The company's shares fell to 64½p from 77p, compared with 105p a year ago, despite a promise by Ken Coates, chairman, to recommend a final dividend of 2.63p for the third year running.

Mr Coates said unaudited management accounts had revealed problems at Plastic Fabricating, one of the American aerospace businesses, where manufacturing problems had resulted in a significant but undisclosed inventory write-off.

Corrective action had been taken and management changes were implemented, he said. But disruption to the business and subsequent loss of orders meant the business was



Coates: US problems

unlikely to return to profit in the next 12 months. The rest of the group traded in line with expectations in the second half, Mr Coates said. Immediate prospects in the aerospace sector remained uncertain but there had been some improvement recently in industrial markets.

In September, Meggitt held the interim dividend at 1.3p a share despite a decline in earnings to 2.5p (3.3p). First-half pre-tax profits fell to £8.6 million (£10.8 million), reflecting weak orders in the final quarter of 1993. Analysts then trimmed back profit forecasts in the light of difficult trading conditions.

Zeneca fights generic drug plan

BY SARAH BARNALL

ZENECA, the agrochemicals and pharmaceuticals group, has started legal action over plans by Novopharm to market a generic version of Nolvadex, Zeneca's breast cancer treatment, in America.

Nolvadex has worldwide sales of more than \$500 million and its US patent runs out in 2002. Zeneca said that Novopharm, a Canadian generic company, had filed an abbreviated new drug applica-

tion with the US Food & Drug Administration. According to Zeneca, Novopharm is arguing that the US patent for Nolvadex "is not valid and enforceable". Zeneca is contesting the claim.

Zeneca also confirmed that results for 1994 were in line with market forecasts and announced the appointment of Michael Pragnell as chief executive officer of Zeneca Agrochemicals. He is to join

on April 1, from Courtaulds, of which he is a director.

The City is looking for profits before exceptional of about £760 million for 1994. The company yesterday confirmed that full-year profits would be dented by a net exceptional charge of £100 million, as expected.

In spite of confirmation of performance near market expectations, the shares fell 30p to 88½p. This, analysts said,

was a correction after a sharp rise, of 24p to 91½p, on Monday, when Glaxo's bid for Wellcome prompted speculation that Zeneca may be an appealing takeover target.

Zeneca said 1994 pharmaceutical sales beat 1993's, in spite of deteriorating market conditions. Agrochemicals beat 1993 sales in spite of a second-half downturn due to droughts.

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Watchdog powers added to audit role

BY GRAHAM SEARJEANT

AUDITORS are to have wide new responsibilities for vetting companies' compliance with regulations such as tax law and building permits, as well as trying to catch fraud.

Under a new auditing standard on fraud and error promulgated by the Auditing Practices Board, auditors must design audits to vet companies' defences against fraud that might risk accounts being materially wrong.

The standard emphasises that auditors are not responsible for detecting fraud, but insists that they must assess the risks in each company they audit, including risks that

management might itself commit fraud.

Risk factors include the presence of dominant individuals beyond board control and needlessly complex financial structures. The standard suggests warning signs, such as high turnover of staff in the finance department and unusual deals just before the end of the accounting year.

Under another new standard, auditors should take into account key non-accounting regulations, telling such bodies as Customs & Excise and the Health and Safety Executive of serious breaches not being dealt with by management.

Shandwick continues recovery with £7.3m

BY JON ASHWORTH



Peter Gummer, left, and Dermot McNulty yesterday

SHANDWICK, the public relations company headed by Peter Gummer, has continued its recovery from the strategic disasters that nearly sank it three years ago. The company lifted pre-tax profits to £7.3 million (£4.8 million) in the year to end-October, largely thanks to a lower interest bill and improved prospects in North America.

Operating income rose to £106.8 million (£101.2 million). Debt was cut to £46 million (£67.3 million), trimming the interest bill to £4.8 million (£6.6 million). Some £18.9 million of the reduction stemmed from the rights issue of March 1994.

The biggest gains were in North America, which provides about 52 per

cent of group revenue. Operating income rose 10.2 per cent in constant currency terms to £55.2 million. Margins improved slightly to 20.1 per cent.

The UK, which accounts for 25.6 per cent of worldwide revenue, increased income by 2.5 per cent to £27.6 million. In Continental Europe, income increased 0.8 per cent in sterling terms to £8.8 million. Difficult business conditions in Japan left Asia Pacific income down 5.7 per cent in constant currency terms to £15.3 million.

Dermot McNulty, chief executive, said the company was cautiously pursuing growth opportunities. He said: "The landscape has changed. We are quite pleased that we have got into some quite important markets without a significant

outlay of funds." The shares slipped 1½p to 38p yesterday.

The number of employees worldwide has fallen from 2,200 to 1,825 in the past three years. New offices have opened in Washington DC, Beijing and Kuala Lumpur. New business wins include Microsoft, in Japan, Halifax Building Society, in the UK, and Wheelock NatWest, in Hong Kong.

Earnings per share, restated on a nil distribution basis and excluding tax credits, were 4.1p compared to 1.8p as restated for 1993. On a net basis, earnings per share were 4.5p (6p). A final dividend of 0.57p (nil) per share payable on April 18 makes a total of 1.3p (nil).

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THE TIMES CITY DIARY

About Dewe for retirement

RODDY DEWE, by now dandy of City public relations folk and claiming unconvincingly to be in his sixtieth year, is sort of retiring. Dewe, who set up Dewe Rogerson with Nico Rogerson 25 years ago, and most famously cornered the privatisation business, is stepping down as chairman of the London operation, but is staying on as non-executive boss of the holding company, where Rogerson remains chief executive, spearheading expansion in the East. In London, Tony Carlisle steps up from chief executive to be, supposedly, non-executive chairman and Cary Martin, presently deputy, becomes chief executive. "It's not quite like Saatchi is it" concedes Dewe, forever glad he never took the company public. Rhodesia-reared Dewe claims his business lifestyle will not change much, though he has recently bought a house at Port Shepstone, 30 miles south of Durban, a mere 5,190 miles from London. Meanwhile, David Simpson, DR's early favourite takeover groupie, is off to be chief executive of smaller rival Ludgate Communications. The humble Simpson was embarrassed enough to opt out of a lunch with Dewe yesterday, electing for a sandwich.

Nott's landing

OLD soldiers, and especially Gurkhas, never die. They go on to form a Chamber of Commerce. Colonel Jimmy Evans tonight launches a British-Nepal Chamber of Commerce at the Royal Nepalese embassy in London. Sir John Nott, the former minister and Gurkha officer, whom the retired colonel first met in the jungle, and who is currently chairman of Hillsdown Holdings, will be the new chamber's president. Their object is to strengthen two-way trade between our two countries.



"They certainly work for their money"

Howard's way

KENNETH CLARKE'S idea of using private finance to refurbish the Treasury's Whitehall headquarters has drawn a response from Howard Davies, the CBI leader. Davies — a former Treasury civil servant — welcomed the Chancellor's suggestion either to lease back or sell off the Grade II-listed building after somebody had put up £200 million for repairs. The only flaw Davies could find in the Chancellor's suggestion was that at the end of the process, the Treasury would continue to exist. "That is surely a missed opportunity," Davies said.

Spencer Maizels

THE death on Sunday from cancer, at the age of 43, of Spencer Maizels is sadly recorded. Spencer, a Cambridge and Harvard man, began corporate life at Hambros Bank in 1973. In 1982 he was one of seven founding members and in 1992 with five partners he founded Maizels, Westenberg — the investment banking firm specialising in Scandinavia, where he was chairman and chief executive.

COLIN CAMPBELL

Become a company director? It doesn't pay any more

Directors see the prospect of pay regulation as just one more restriction says Philip Bassett

Cedric Brown's grilling by the Commons Employment Select Committee yesterday will have had Britain's 300,000 company directors, most of them very far removed from the exalted level of the chief executive of British Gas, thinking a single thought: there but for the grace of God — or a 75 per cent pay rise — go I.

Mr Brown's appearance was the highlight of a day in which public concern about directors' pay rises reached convulsive levels: John Major slugged out the politics of it with Tony Blair, echoing similar rows hours earlier between Kenneth Clarke, the Chancellor, and Gordon Brown, his shadow. The Institute of Directors also launched its guidelines on executive pay practices as the CBI readied itself to announce today the final members of its new corporate pay committee, set up under Sir Richard Greenbury, chairman of Marks and Spencer.

The Greenbury committee is likely to mirror some of the IoD's attempt at self-regulation when it reports, probably in about six months. But with a growing trend towards regulation of some sort, however loose and voluntary, business leaders are concerned that even further restrictions on what directors can do will cause many of them to question whether it is now worth being a director in Britain; questioning that could in turn have a damaging effect on Britain's still-struggling economic recovery.

Greg Hutchings, executive chairman of Tomkins, the industrial conglomerate, puts it most forcibly about the regulation of directors implicit in the Greenbury committee: "I don't see that this is any of the CBI's business."

Tim Melville-Ross, the IoD's Director-General, who will serve on the Greenbury committee, acknowledged yesterday under questioning by *The Times* that the public standing of directors has been "damaged" by the row over their remuneration, and that the IoD's new guidance and Greenbury were part of business's answer to that.

Effectively stoked by Labour leaders, most public hostility has concentrated on the high pay levels and "big pay rises" for directors of the privatised utilities — British Gas, BT and the water and electricity companies. Business leaders argue that most directors' pay levels and rises are nothing like those seen in such companies, and that the majority suffers because of a minority. As Mr Melville-Ross says: "There is an effect on the many from what the few are doing."

Such arguments are closely reminiscent of the case made by trade union leaders at the start of the 1980s against the Government's legislative reform of the unions, arguing that union excesses stemmed from the actions of a small number of militants, rather than the moderate majority. But reform was nonetheless applied to all, as it is likely to be over directors' pay.

But the public rumblings from Mr Hutchings and others mask considerable private discontent among directors



Greg Hutchings has criticised the CBI over the prospect of regulation

that political and media focus on pay packages is not only damaging to entrepreneurialism, and therefore to economic growth and performance, but is just an additional restriction to the many that already affect them. With all this, they argue, who would be a director now? The IoD calculates that 750 different statutes directly affect the daily lives of company directors in the UK. Business leaders recognise that a new attempt at salary self-regulation, unless carefully handled, could see Britain moving towards the position in America, where senior managers are increasingly reluctant to move on to company boards because of operational and legal restrictions on them.

Mr Melville-Ross says: "There are many, many risks involved in being a director and that should be recognised when directors' pay is under consideration." Howard Davies, Director-General of the CBI, acknowledges it is significant that the argument over top pay is concentrated on PLC directors, rather than solicitors, or accountants, or

even newspaper editors, but says: "The answer to that is that directors are in a particular fiduciary position in relation to shareholders' funds — that's what people have to accept."

Shareholders themselves are concerned that the voice of the small investor will have little if any impact on this argument. Gill Nott, chief executive of ProShare, which represents the individuals who hold 18 per cent of the UK's shares, says: "My concern is that a debate on directors' pay carried on just between directors simply lacks credibility." Some directors are nettled that their pay is a good deal less than that of some of the advisers, such as lawyers or management consultants, with whom they have to deal.

The Chancellor weighed in on this point yesterday, insisting that the pay of corporate executives like Mr Brown of British Gas was no higher than that of some top doctors — though government figures suggest that the average pay of a doctor is about £32,000, a touch less than Mr Brown's £475,000. Others

dismiss this as mere special pleading — that directors are getting nervous because one or two executives have gone too far, and as a result are placing under threat what many people see as pleasant and often relatively undemanding work, involving popping into a few meetings, eating a few agreeable lunches and picking up a few thousand pounds for doing so.

But change may be on the way. Alec D'Janoff, a corporate finance partner at Coopers & Lybrand, says non-executive directors in particular are in for a rougher ride: "In the old days, being a non-executive director of a company was a very cushy sinecure for some people, where they picked up some fees for not doing very much. They were not liable. In general, it was a nice, easy, cushy job. Being a non-executive director today is a completely different ball-game. The responsibilities are now quite great. It is your business to know what is going on in the company. You can be made liable for having been negligent as a director." Clive Bower, of Davies Arnold Cooper, the City law firm, says the UK may see a surge in US-style legal actions against directors. Shareholders in America are able to sue for damages when directors appear to have failed in their fiduciary responsibilities.

Market forces, to which most company directors are wholly wedded, would suggest that if directors object to self-regulatory proposals such as the IoD's or those likely to come from the Greenbury committee, they will simply stop doing the work.

Unless directors may also be protesting too much about the invidiousness of suggestions of greater transparency in salaries, bonuses and shareholdings which, to its credit, the IoD proposed yesterday. To pick up a trade union parallel again, such protests were not heard from directors when the Government in 1993 required trade union officials to declare not just their salaries but their work expenses too.

In the Commons yesterday, Mr Major accused Mr Blair of "grievance politics" over directors' pay, and it is clear that the issue has now built up into one of considerable political and corporate sensitivity. The Prime Minister's declared concern over Mr Brown's pay rise led ministers to start considering extensive revisions to company law, before Michael Heseltine, President of the Board of Trade, and Michael Portillo, the Employment Secretary, in an unusual alliance called a halt to it, and suggested it be outthrust via the CBI, which led to the formation of the Greenbury committee.

This will formally get under way the week after next, though key CBI leaders including Mr Davies, Sir Bryan Nicholson, the current president, and past president Sir Michael Angus held private talks with Sir Richard on Monday evening to get the work started.

Such high-level corporate firepower indicates the level of concern. Greenbury, like the Cadbury committee on corporate governance before it, is likely to make a profound difference to the way companies are run by distilling and channeling public opinion to force change. In doing so, company directors may well wonder whether the game is now worth the candle; but it is looking increasingly unlikely that they will be able to avoid radical change in the way their pay is set.



ANTHONY HARRIS

Lady Thatcher as a Liberal Democrat

The lady is not much with us any more, but her handbag lingers on. Mrs T handled the national accounts like a penny cash book — sound arithmetic, but rotten economics; and the habit is still with us. Her successor still treats asset sales as a source of current revenue (even when, as seems to be the case with the railways, the sale has to be sweetened with promises of future subsidies that may cost more than the sale brings in). But nobody makes much fuss; and now even her opponents are falling for it. The Liberal Democrat attempt to chill our blood with their costing of Labour's supposed commitments jumps together current spending and asset purchases in the same column. Logically, this is Thatcherism turned upside down; but Labour has not yet made the point, and indeed it is not at all clear that they understand it. It is time to clear matters up.

When privatisation first appeared in the public accounts, it was treated as negative spending — a painful cut. Harold Macmillan was never fooled, and spoke of selling the family silver. Nor was the Treasury. The White Papers on public spending carried embarrassing footnotes, pointing out that these were not actual economies. Sales did reduce the PSBR (the petty cash number), but did not affect the more significant Public Sector Financial Deficit, the true measure of budget balance. The PSFO has now itself vanished into the footnotes, but Treasury analysis will out: the budget Red Books still insist on charting the public finances with and without privatisation proceeds.

What Mrs T, a populist of genius, knew was that voters did not understand the concept of a balance-sheet. They were and are largely happy with the cash-in, cash-out approach. But any analyst knows that when UK PLC decides to sell some assets, this is a balance-sheet transaction. If the proceeds are used to cut borrowing, UK PLC is de-gearing; if they are handed out to taxpayers, it is distributing capital. Will de-gearing improve future cash flow? Yes, if and

only if the saving of bond service is greater than the trading income which has been lost. This sum unfortunately involves much question-begging analysis. Should the debt service saving be based on conventional or indexed bonds? (Indexed look like the right counterpart to real assets, but could so many have been sold?) How much would the industries have earned if they had remained under political management? And how much of the surely higher profits that they have generated has been collected in tax? And how much spent on benefit for former employees who might still be in jobs? What looks like simple arithmetic will produce answers according to prejudice.

The one thing that is clear (though not to the Lib. Dems) is that where capital was distributed rather than used to cut borrowing, privatisation leaves a hole in public revenue (lost trading income) which has had to be filled with higher taxes. This is one explanation of the rising total tax burden since 1979; the total is again hard to calculate, but there is no doubt about the signs. Privatisation now, pay later. Yet it is not only the Lib. Dems who talk as though any renationalisation would raise the tax burden. I been unable to discover any clear Labour statement of the facts; John Prescott, for one, seemed to fall for the handbag error when he talked of renationalisation as a rival priority to, say, better pensions.

So does this column favour more state ownership? Not a bit of it. The true argument for privatisation is that political management is often bad management, evading nasty decisions about efficiency and pricing. It may still, as in natural monopolies, be less bad than the alternatives. The phony argument is that the country cannot afford adequate investment in profitable state-owned industries — a "burden" which miraculously vanishes when the equity changes hands. This is just bad Treasury practice, which needs reform. These questions need airing; but not handbag economics.

Patricia Tehan on a possible share dealing rule change

Long faces for short-selling disclosure

The Stock Exchange will meet resistance from its members and institutional investors to proposals that would require firms to distinguish between the short selling of securities and ordinary sales from inventory.

Keith Robinson, secretary to the Stock Exchange board, wrote to member firms last week to outline co-ordinated action by City regulators to curb short selling before a secondary share offer.

The move, which includes a new rule that will entail the settling of "large" share sales during a secondary offer in five days instead of the current ten, is aimed at discouraging investors from dumping stock ahead of the issue. The exchange will today specify what constitutes a "large" sale.

But Mr Robinson's letter indicated that the exchange is also considering the desirability of introducing a new rule that would require members to distinguish between a short sale and an ordinary sale when reporting trades.

Short selling is when investors sell shares that they do not own in the hope of buying them back more cheaply. In general, it is not a technique used by UK financial institutions and pension funds, but is used by market makers to increase liquidity in the market and by overseas speculative investors and hedge funds. The most controversial example of short selling was during the Wellcome offer in 1992 when the price of the share fell down ahead of the share offer, though the Stock Exchange was unable to prove market manipulation. The exchange has already



Short supply: when market-makers sell stocks they do not own it improves liquidity

ruled out more extreme forms of regulating short selling such as banning the covering of a short position with shares bought in a secondary share sale or cash settlement during a secondary offer. It has said it recognises that short selling is a legitimate investment strategy and it has not yet decided if such a rule will be introduced.

If it goes ahead, firms could be required to include such details when they report trades, three minutes after they have taken place, or at the end of the day when they report the settlement.

Market makers are against the move. "It is an emotive issue," said one head of market making. "Clients are not

going to want to disclose their strategies or plans." They say disclosure would have a detrimental effect on liquidity.

Even if such information were to remain confidential and be used only to help the Stock Exchange to spot manipulation, they say it is impossible to know when clients are selling short and when they are selling from inventory. They could ask them, but could not guarantee they were telling the truth.

Brian Winterlood, managing director of Winterlood Securities, the market maker, said he could see a case for disclosure to the regulatory authorities "so that everything is above board. What I could

never condone is general disclosure to the world at large". This could damage market liquidity, he said. He would not be against disclosure in secondary offerings, "but not across the board". Mr Winterlood added that the exchange would have to be very careful about how it worded the any new rule.

One market maker said anyone determined to hide their short selling activities would be able to do so, despite the new rule, through derivatives, matched bargains and contracts for exchange.

David Manning, director of UK equities at Legal & Gen-

al, said his firm does not go short, so the new rule would have no impact on its investment strategy. Public disclosure could be beneficial, he said, as "we are always in favour of more information. The greater the transparency, the better a market is".

One compliance officer for an investment bank said the move could be linked to the Securities and Investments Board investigation into whether to allow institutions to borrow stock. At present only market makers are able to borrow stock, something they need to for market liquidity.

Only 10 per cent of the 100 UK pension funds and life insurance funds are believed to lend equities. There is even less interest in stock borrowing.

If the Stock Exchange decides to go ahead, its new rule would be introduced next year to coincide with the final stage of the new Sequence electronic trading and information services programme.

Mr Robinson said if new rule came in at the same time it would avoid firms having to make two systems changes.

At the end of the day most firms recognise that there is nothing sinister about the Stock Exchange's motives for wanting more disclosure. Their activities could be limited, and life could become more complicated. But the exchange argues that it is trying to further London's reputation as a safe place to do business.

The information it gathers will help it to understand what kind of selling activities are having an effect on the London market.

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DAEJAN HOLDINGS P.L.C.

INTERIM STATEMENT

Results for the half year ended 30 September 1994 - unaudited.

	6 months to 30.9.94 £'000	6 months to 30.9.93 £'000
Net Rental Income	9,939	8,382
Surplus on Sale of Trading Properties	4,496	4,093
Other Income	(20)	(32)
	14,414	12,423
Administration & Other Expenses	(2,229)	(2,353)
Operating Profit from Continuing Operations	12,185	10,070
Surplus on Sale of Investment Properties	766	482
Net Interest Payable	(1,833)	(2,160)
Profit on Ordinary Activities before Taxation	11,118	8,392
Less: Taxation	(3,600)	(2,700)
Minority Interests	(13)	(13)
Profit attributable to shareholders	£7,505	£5,679
Earnings Per Share	46.0p	34.9p

The results for the half year ended 30 September 1993 and 30 September 1994 have been prepared under FRS.

An Interim Dividend of 12p per share (1994 - 12p) will be paid on 16 March 1995 to shareholders registered on 16 February 1995. This dividend will amount to £1,955,000 (1994 - £1,955,000).

The level of residential unit sales experienced in the first half year is unlikely to be sustained during the remainder of the period and, therefore, profits on ordinary activities before taxation for the full year are anticipated to be of a similar order to the previous year's level.

The financial information included in this document does not constitute statutory accounts within the meaning of Section 240 of the Companies Act 1985. The statutory accounts for the year to 31 March 1994, on which the auditors have given an unqualified opinion, have been filed with the Registrar of Companies. The interim financial information is unaudited.

1994-95			1994-95			1994-95		
Low Company			Low Company			Low Company		
PRC	%	%	PRC	%	%	PRC	%	%
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Austria opposes EBRD backing for N-plant

By COLIN NARBROUGH
WORLD TRADE CORRESPONDENT

THE European Bank for Reconstruction and Development (EBRD) is facing fierce resistance from non-nuclear Austria to its plans to be the biggest financial backer of a DM1.45 billion nuclear plant project in Slovakia.

The Austrian government is trying to kill the controversial plan, which involves the completion of four Soviet VVER-440/213 reactors at Mochovce, in southeast Slovakia. It would be the EBRD's first nuclear project and would require DM412.5 million from the London-based bank.

Other backers are Electricité de France

(EDF), the state-owned French power company, Bayernwerk, the German utility, and Euroatom, the lending arm of the European Union's nuclear industry. The French and German export credit agencies will also provide support.

Maria Rauch-Kallat, the Austrian Environment Minister, said that the EBRD could not give its backing to the Mochovce project because it failed to meet the strict criteria that the bank had set down regarding nuclear safety, energy cost, and public consultation.

"The bank must start to judge the project in an objective way," she said. The refusal of the bank's operators to agree to attend a public hearing, the absence in submitted documents of

key safety features for the nuclear plant, and the questionable economic evaluation of the cost of the power to be produced, meant that the EBRD had not fulfilled its own conditions.

Austrian officials have expressed concern about the EBRD management's enthusiasm for the project, even before it had been submitted for public consultation in Central Europe. They also fear that the French and German power industries are using the lower safety standards accepted in the former Soviet bloc to gain access to extra nuclear capacity, which environmentalist lobbies would prevent them building in their home markets. EDF and Bayernwerk will recoup their investment in power supplies.

However, EBRD officials are dismissive of

the Austrian stance, which they expect to be outweighed heavily by the bank's directors' decision on the Mochovce project in March.

They argue that, besides being carefully evaluated for its safety, economic, and public consultation aspects, the scheme provides for the completion, to Western standards, of the Mochovce plant, in turn enabling Slovakia to undertake the early shutdown of existing, unsafe reactors at Bohunice.

Austria, which decided against nuclear power in a referendum, even though it had built, but not commissioned, its first plant, remains deeply concerned about the lack of nuclear safety in Central and Eastern Europe, even after the Chernobyl disaster of 1986.

Business failures at lowest since 1989

By MARTIN BARROW, CITY NEWS EDITOR

RECEIVERSHIPS fell to a five-year low in 1994 after a 28 per cent decline year-on-year, according to figures compiled by KPMG.

A total of 2,040 receiverships were recorded last year, against 2,845 in 1993, giving the lowest figure since 1989, when there were 1,877. KPMG published the figures yesterday. Despite a small increase during the third quarter of the year, 1994 saw a continued downward trend, allaying fears that the economic recovery had been patchy. All regions experienced a fall in receiverships, but the recovery was particularly strong in the North East and the North West, which both saw falls of 36 per cent.

Thirty-one per cent of all receiverships occurred in the manufacturing sector. Other sectors that continued to be hit by receivership included finance and business services (12 per cent), construction (15 per cent) and retailing (9.5 per cent). The industry breakdown has remained broadly similar over the past year, indicating a similar degree of economic recovery across all sectors.

Tim Hayward, KPMG's head of corporate recovery, said: "We have seen a steady strengthening of the economy, as indicated by this drop in corporate collapses."

"Initial fears that the recovery was going to be patchy are not borne out by the receivership figures, which

indicate that the recovery has been even both around the country and throughout all sectors."

Mr Hayward said that there was no evidence yet that overtrading, which often hits companies as the economy emerges from recession, was becoming a significant factor behind company failures. He said: "This must, in part, be due to the current availability of funds and credit from the banks, backed by sensible lending policies and a degree of caution on the part of the businesses themselves."

The number of receiverships has been in decline since 1992, when 4,333 failures were recorded.

KPMG's latest figures show that the number of receiverships declined by 28 per cent in the South East, but this remains the hardest-hit region, with 1,087 receiverships. Scotland and the Midlands were down by 26 per cent and 25 per cent respectively. By contrast, receiverships in South Wales fell just 2 per cent.

The continuing difficulties of manufacturing industries, accounting for 31 per cent of receiverships in 1994, against 28 per cent in 1993, is a worrying trend, given the apparent strength of growth in industrial output.

Construction, accounted for 15 per cent of receiverships, compared with 18 per cent, while finance and business services accounted for 12 per cent, down from 15 per cent.



Howard Whitesmith, left, Domino managing director, and Roger Dye, finance director, saw record profits

BAS International capitalised at £22m

By MARTIN BARROW

BAS International Holdings, the supplier of consumer merchandise, will be capitalised at about £22 million when its shares begin trading on the stock market next month.

BAS, which issued its pathfinder prospectus yesterday, is coming to market via a £9 million share placing, raising £25 million to fund expansion and provide working capital. The company specialises in

supplying value-for-money consumer goods, including stationery, toys, giftware and golf accessories. Customers include Asda, Great Universal Stores and Poundstretcher.

BAS, whose finance director is Graham Hallworth, was incorporated in April 1994, although its principal subsidiary, RMS, was established by Martin Abramson, now group chairman, in 1974. In 1985,

RMS was combined with Mr Abramson's office supply company and floated on the United Securities Market, with a market capitalisation of £6.8 million. Three years later, the company was taken over by Waverley Cameron for £29.2 million.

RMS supplies stationery, giftware and Christmas products to retail and wholesale outlets through the Graftix and Jade brands. RMS acquires most of the stock from regular suppliers in Asia, with the balance coming from Europe and South America.

Classic House, another subsidiary, distributes golf accessories and equipment. In addition, the company distributes giftware, travel goods, office supplies and leisure goods through Brennan Atkinson, a subsidiary accounting for about 23 per cent of turnover.

Last year the company increased taxable profits to £1.69 million, from £992,000 in 1993, on turnover rising to £21.64 million from £16.78 million. Adjusted for non-recurring items, profits have risen to £2.2 million, from £641,000, over the three years to December 31, 1994.

US helps to lift Domino to record

By MARTIN BARROW

STRONG demand in America, offsetting tough trading in Britain and continental Europe, helped to lift sales and profits of Domino Printing Sciences, the ink jet printing specialist, to a record.

In the year to October 31, Domino made pre-tax profits of £13 million, up from the previous year's £9.1 million.

Gerald Dennis, chairman, said that economic recovery this side of the Atlantic remained sluggish. There had been no new legislation of the kind that had helped the business to grow so rapidly in the early 1990s. "Also, in these more mature markets, sales were affected by aggressive pricing from local competition," he said.

Mr Dennis said that he was particularly pleased with performance in the US and markets other than America and Europe, and that three acquisitions in the final quarter broadened Domino's technology base and provided "opportunity to expand these businesses outside their traditional US markets with only moderate additional sales and marketing costs".

A final dividend of 6.4p makes 9.6p (7.95p). Earnings per share were 32.9p (23.07p). The shares fell 1p to 552p.



BAS's Martin Abramson, left, and Graham Hallworth

Retail boost for Watson & Philip

By SUSAN GILCHRIST

THE repositioning of Watson & Philip as a retailer and food distributor rather than a wholesaler is beginning to bear fruit as the company reported a 21 per cent increase in underlying profits - well ahead of City expectations.

Pre-tax profits before exceptional items rose to £15.3 million from £12.5 million in the year to October 29. However, the bottom line was depressed by a £4.6 million goodwill write-off relating to

the disposal of businesses during the year. Including exceptional items, pre-tax profits fell to £10.6 million from £12.5 million. The City was cheered by the news that the group was holding up against the supermarket giants and the shares rose 4p to 380p.

The Aldays convenience store chain lifted profits by 61 per cent to £7.9 million (£4.9 million) thanks to the addition of 20 new stores and improvements in gross margins. The food service division also performed well gaining market share, particularly in London and the Midlands.

The wholesaling side again suffered a downturn with profits slipping to £1.9 million from £2.1 million.

David Bremner, chief executive, said current trading is encouraging and the group expects the sale of National Lottery tickets since November to improve profitability at Aldays. The final dividend is lifted to 10.6p (9.9p), bringing the total payout to 15.3p (14.3p), and will be paid to shareholders on February 24.



Bremner encouraged

BUSINESS ROUNDUP

Store openings hit Cantors profits

PRE-TAX profits at Cantors, the furniture retailer, fell to £105,000 (£563,000) in the six months to October 22. The group, which is concentrating on out-of-town sites, opened 11 new superstores in the first half depressing profits by £450,000. Like for like sales fell 9 per cent.

Six new out-of-town stores have opened since the end of the first half bringing the total to 24. The group also has 94 high street sites. Sales growth has picked up in the second half, although like-for-like sales remain flat. The interim dividend is maintained at 1p and will be paid on April 6.

Colt selects Sprint

CITY of London Telecommunications, known as Colt, has selected Sprint, the third-largest overseas phone company in America, to carry its international calls. In the past, it had relied on several carriers, including British Telecom and Mercury Communications. Colt is Sprint's first British customer. Launched a year ago, Colt has about 200 business customers in the City of London and has installed about 70 kilometers of fibre-optic cable. It has applied for a national telecoms licence, which it expects to receive this year, and hopes to expand into Europe.

Defeat for Ladbroke

THE European Court of Justice rejected complaints by Ladbroke, the British betting group, over agreements governing the broadcasting of French horse racing in Germany. Televised horse racing and betting news in Germany is covered by an agreement between Pari Mutuel Urbain, the French betting monopoly, and Deutscher Sportverlag. Ladbroke has been trying for more than five years to get PMU to sell it televised racing. It appealed to the court against the German agreements in 1992, claiming the European Commission should have declared them illegal.

Leeds Group setback

SHARES in Leeds Group fell 20p to 250p after the textiles specialist disclosed a slow start to its financial year. Robert Wade, chairman, said at the annual meeting, that the unusually warm weather in October and November depressed retail sales and "contributed to a slow start to our financial year". December was better and if the improved momentum in January was maintained he hoped the company would "make good the shortfall that occurred in our first two months". He said order levels have increased, but trading conditions were "very competitive and it is difficult to improve our margins".

Symonds expands

SYMONDS ENGINEERING is expanding through the acquisition of Classical Circuits, a printed circuit board maker based at Kingston, Surrey, for an initial consideration of £2.9 million, plus up to £500,000 more depending on future profits. Symonds, which was pushed back into profit last year by a new management team, supplies components to the electronics, computer and telecommunications industries. Rod Ackrill, who became chairman in June 1993, said part of the recovery strategy was to buy complementary businesses to develop the company into a broadly based engineering group.

Mitie lifts dividend

MITIE GROUP, a provider of building services to business and industry, increased pre-tax profits to £1.19 million (£814,000) in the half year to September 30, on turnover rising to £60.2 million from £46.6 million. With earnings advancing to 4.9p a share from 3.6p, the interim dividend is increased to 1.3p a share from 1p, payable on April 3. The shares rose 4p to 203p. David Telling, chairman, said that while all group companies performed in line with expectations, those in the cleaning and associated service sectors produced the strongest growth.

CIA media acquisition

CIA GROUP has boosted its position as Europe's second-biggest independent buyer of advertising media with the purchase of a 10 per cent stake in Mediahaus Stroebel of Düsseldorf. The deal requires CIA to buy the remaining 79 per cent of the company in the first half of 1996. It could make further profit-related payments of up to £15 million by 1998-99, partly through new CIA shares, up to 15 per cent of the enlarged share capital. Mediahaus Stroebel's clients include Audi, Microsoft, Chiquita and Rothmans. Its 1993 turnover was £150 million.

Siemens advances

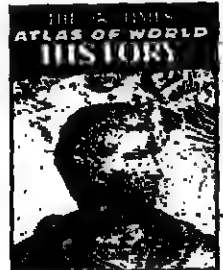
SIEMENS, the Munich-based electronics and electrical engineering group, increased net profits by 8 per cent in the first quarter of the current business year. Domestic business showed the first growth for two years. The net profit of DM448 million in the three months to December 31 came on the back of a 7 per cent increase in sales to DM18.5 billion. New orders were up 1 per cent at DM22.2 billion. The figures were well received on the Frankfurt bourse and appeared to confirm the company's forecast of 20 per cent growth in pre-tax profit this year.

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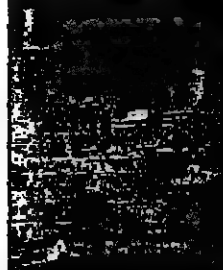


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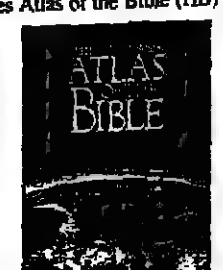
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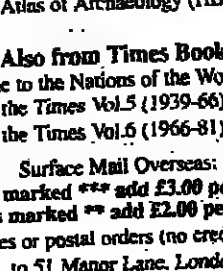
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IN THE MATTER OF

THE COMPANIES ACT 1985

NOTICE IS HEREBY GIVEN

that the following is a list of

the names of the persons

who have been appointed

liquidators of the above

companies, and of the

names of the persons

who have been appointed

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FACILITIES MANAGEMENT

SECURITY: Innovations and the need for improved pay in the industry and, right, what a company can do when things go horribly wrong

Halt, who goes there?

Security in the workplace, once the concern of banks and military installations, is now an important issue for most organisations, partly due to the rise in opportunistic crime and to the demands of competition in the commercial world.

The main response to this has been the development of sophisticated access control equipment. In many cases, the access control industry has embraced the development of "smart-cards" with more electricity than other users of basic magnetic card technology.

The magnetic card was developed by Hal Cooley, an American photographer who started the Cardkey Lock Company by making flat cardboard cards with wafer-thin magnets glued between them.

The company became Cardkey and it now offers a range of systems. The most advanced is the proximity card, in which a radio transmitter and microchip are embedded and which operates only when "interrogated" by reading equipment. The readers can be installed throughout a plant and controlled by a central computer which can ensure that only those carrying the appropriate card or key-ring are allowed access.

Cardkey operates the access control systems at sprawling office areas such as the London Borough of Croydon, which occupies a 20-storey building in the town and spills over to four other sites. Infra-red alarms and closed-circuit television cameras had provided security, but as the number of entry points and visitors increased a new system had to be developed. Cardkey introduced an access system which allows staff and visitors access and can pin-point unauthorised members of staff or imposters in various areas. It also helps to control evacuation procedures and allows tracking of patrolling guards when the building is empty, thus ensuring their safety.

Charles Payne, the borough's security manager, says: "We were impressed by Cardkey's ability to integrate its card access management system with our existing security measures. The pricing policy was competitive and its customer service and training pro-



The secure approach at Croydon Town Hall in south London as a guard monitors visitors

gramme were also appealing."

Another recent major contract placed with the security industry has been the installation and operation of the security facilities at the Channel Tunnel terminal in Folkestone. Drake and Scull won the contract to provide one of the most advanced monitoring systems in Britain. The project harnessed the benefits of basic security systems, such as chain-link fencing and CCTV system, to modern computer control systems which allow constant monitoring via optic fibre links with enhanced imaging and digital storage of images.

Ian Watson, the company's security system manager, says: "Eurotunnel's success has relied on the attention given to interfacing the systems as a whole unit."

Though technology is playing an increasingly important and cost-effective role, the most effective form of security in many businesses is still men and women in uniform on the ground. However, there are many in this sector who are concerned about its reputation for low wages and the effect that has on peoples' perceptions of the quality of staff involved.

Bob Shearsmith, executive director of Care Security Services, a



Outspoken: Bob Shearsmith

major provider of uniformed staff in shopping centres, offices and hospitals, has been outspoken on this subject. "Companies that employ contract security privately agree their security officers on-site deserve more for the role they perform. The reputable manned guarding companies all state publicly that they wish they could pay more. If all of this is true, why are the real guardians of property and people, the security officers, often having to take home pay of less than £120 for a 50-hour week?"

"The majority of contract security companies use the same resources to recruit their labour forces, but, in those same newspaper and job Centre advertisements, the rates of pay offered are less than those for supermarket workers, forecourt attendants and cleaning staff. Can you draw a parallel between the duties of an unskilled worker with that of a security officer? I would suggest that you cannot."

Mr Shearsmith accepts that the pay rates are market-driven, in this case driven downwards, but warns of the consequences.

"The security officer does not feel adequately rewarded, experiences little or no job satisfaction and ends up seeking other more financially rewarding employment. The effect on the customer is one of an unstable workforce and a permanent lack of experience in the team," he says.

"Ultimately there is a need for the Government to regulate the industry, which may result in security companies being selected for their standards and performance rather than being the cheapest option, although this looks unlikely in the short to medium term."

DAVID YOUNG

Every year, armed robberies affect tens of thousands of bank, building society, shop, post office and office workers. All need support and some will need post-traumatic counselling. To provide for this, a small industry of consultants, therapists and training courses has sprung up.

Best practice in these situations revolves around four stages: preparation, defusing, psychological debriefing and longer-term support.

Don Maclean, of Role Management, one of the first consultancies in this area, says: "Many firms think that preparing staff for an armed robbery makes them afraid of work. Does a fire drill make you more afraid of fire? No, it just lets everyone know what is possible. Nobody can prepare for the unknown factor a crisis will bring out in each individual."

It is often that unknown reaction which the individual finds most disturbing, particularly if it does not conform to his or her expectation of themselves.

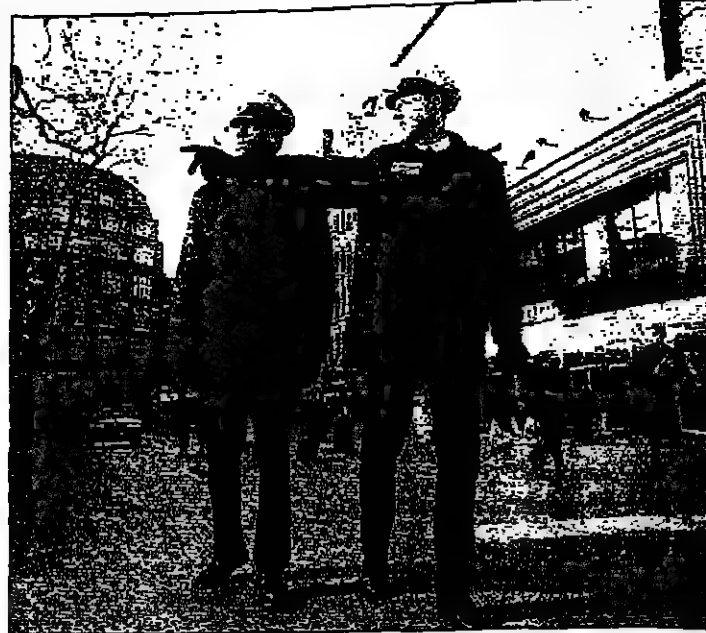
During the second stage of defusing the situation, many companies overlay their concern by sending in wave after wave of senior and personnel managers. Michael Stewart, director of the Centre for Crisis Psychology, says: "Quantity of senior management does not equate to caring and merely adds to the confusion."

The defusing process should help everyone to accept that after an armed robbery, exceptional emotions can run riot.

Andrew Longbottom, group personnel manager with the Abbey National, says: "For a start, we do not like to call the process counselling. That suggests something abnormal is going on among the staff affected. It is as normal for the manager to feel guilty as it is for the staff to feel angry with each other."

The next stage is the most important in terms of the efficiency of the workplace group. During the psychological debriefing, all will go through what they experienced, what they saw and what happened and explain what they did and felt.

This debriefing takes place two or three days after the event, after the initial euphoria has died away, and involves the whole team. This not only reduces the feeling of isolation and stigma but helps the team to work together. Mr Longbottom says: "It's important that they talk the whole experience through so that they can



Primed for the unexpected: security men in Leicester Square, London

How to cope with an armed robbery

go back and function as a team."

Typically in this phase, the guilt of the manager who was in the back room will be exercised, as will the anger of one cashier at another for not pressing the alarm bell quickly enough. This formula is so successful that some groups have been known to work better and to increase their productivity after the experience.

Though most companies provide further support meetings, most staff feel comforted by these levels of support. "In one extreme case where a building society raid went very wrong and a policeman was not only killed, but the robber killed himself, we needed four meetings. One of the main problems was that the manager, because he rang the alarm which brought the policeman, blamed himself for the deaths," Mr Maclean says.

The last stage is longer-term care in which the company provides, where needed, further one-to-one therapy, or more importantly, an anonymous helpline to talk staff through their problems. In many

ways, companies have found that the very setting up of systematic procedures is the main reason why staff find it relatively easy to cope.

The problems come when staff think nobody cares and that it is hidden on them to cope because managers will think less of them if they don't. There are surprisingly few cases of long-term sickness resulting from armed robberies. In fact, the ability to cope is often related to other outside pressures. If a member of staff is going through a bad relationship, having problems with their family or not getting on with the manager anyway, the experience of the armed robbery is more difficult to survive.

Recent University of Leicester research into the attitudes of armed robbers, found that 70 per cent had sympathy with the staff. But some robbers said they were doing the staff a favour by adding excitement to their lives. One problem with this self-serving view is that while armed robbers are addicted to adrenalin, those who work in the retail sector are not.

HUGH THOMPSON

FACILITIES MANAGEMENT

THE TIMES

Facilities Management

Wednesday February 22: We will be publishing a 20 page tabloid sized Colour Supplement in association with Blenheim Exhibitions to coincide with F.M. Expo '95 at Olympia.

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Manslaughter verdict is not available

Regina v Clegg
Before Lord Keith of Kinkaid, Lord Browne-Wilkinson, Lord Slynn of Hadley, Lord Lloyd of Berwick and Lord Nichols of Birkenhead [Speeches January 19]

Where, on a charge of murder, a plea of self-defence failed because excessive force had been used, it was not open to the court to convict of manslaughter rather than murder. It made no difference that the force had been used in the prevention of crime or in the prevention of an offender or that the accused was a soldier or police officer acting in the course of his duty.

The House of Lords dismissed an appeal by Lee William Clegg from the Court of Appeal in Northern Ireland (SI). Brian Hytton, Lord Chief Justice, Lord Justice Kelly and Mr Justice McCollum who on March 30, 1994 had dismissed his appeal against his conviction on June 4, 1993 by Mr Justice Campbell, sitting without a jury, of murder and the sentence of life imprisonment imposed on him.

The point of law of general public importance certified by the Court of Appeal for consideration by the House of Lords was: "Where a soldier or police officer in the course of his duty kills a person by firing a shot with the intention of killing or seriously wounding that person and the firing is in self-defence or in defence of another person, or in the prevention of crime, or in assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large, but constitutes force which is excessive and unreasonable in the circumstances, is the guilty of manslaughter and not murder?"

Mr Richard Ferguson, QC, Mr Michael Egan and Mr Stephen Hellman for the appellant; Mr R. G. Weir, QC, of the Northern Ireland and English Bars, and Mr F. E. O'Reilly, of the Northern Ireland Bar, for the Crown.

LORD LLOYD said that on the night of September 30, 1990 the appellant, a private soldier serving with the Paratrooper Regiment, had been on patrol in Glen Road, West Belfast.

The purpose of the patrol had been to catch joyriders, but that

had not been explained to the appellant. The patrol had been divided into four teams or "bricks", brick 11 forming a vehicle checkpoint. The appellant had been in brick 10A further down the road towards Belfast.

As a stolen car had accelerated from brick 11 towards brick 10A, someone in brick 11 had shouted to stop it. All four members of brick 10A had fired at it.

The appellant's evidence had been that he had fired three shots at the windscreen and a fourth shot into the side of the car as it had been passing. According to him, he had fired all four shots because he had thought that a colleague's life was in danger.

However, scientific evidence had shown that the judge had found as a fact that the fourth shot had been fired after the car had passed and was already some 50 or 60 feet along the road to Belfast. It had struck a back-seat passenger, Karen Kelly, in the back and had been a significant cause of her death. The judge had found that it had been an armed shot fired with the intention of causing death or serious bodily harm.

In relation to the first three shots, the judge had accepted that the appellant had fired in self-defence or in defence of his colleague. But in relation to the fourth shot he had found that the appellant could not have been firing in defence of himself or his colleague since, once the car had passed, they had no longer been in any danger.

There had been no suggestion in the appellant's evidence, as the Court of Appeal had pointed out, that he had thought that the driver of the car was a terrorist or that if he escaped he would carry out terrorist offences in the future. In those circumstances, the use of lethal force to arrest the driver had, in the court's view, been "so grossly disproportionate to the mischief to be averted" that any tribunal of fact would have been bound to find that the force used had been unreasonable.

The court had, however, observed: "It is right that [the appellant] should be convicted in respect of the unlawful killing of Karen Kelly and that he should receive a just punishment for committing that offence which

ended a young life and caused great sorrow to her parents and relatives and friends."

"But this court considers, and we believe that many other fair minded citizens would share this view, that the law would be much fairer if it had been open to the trial judge to have convicted [the appellant] of the lesser crime of manslaughter on the ground that he did not kill Karen Kelly from an evil motive but because, as his duties as a soldier having placed him on the Glen Road armed with a high velocity rifle, he reacted wrongly to a situation which suddenly confronted him in the course of his duties."

"Whilst it is right that he should be convicted... a law which would permit a conviction for manslaughter would reflect more clearly the nature of the offence which he had committed."

Strictly speaking, the question whether the law allowed a verdict of manslaughter instead of murder where the force used in self-defence had been excessive did not arise. Since the danger had already passed when the appellant had fired the fourth shot, there could be no question of self-defence.

In *R v Dyson* (1998) 10 CLR 448, decided by the High Court of Australia, the court had held: "Where a plea of self-defence to a charge of murder fails only because the death of the deceased was occasioned by the use of force going beyond what was necessary in the circumstances for the protection of the accused or what might reasonably be regarded by him as necessary in the circumstances, it is, in the absence of clear and definite decision, reasonable in principle to regard such a homicide as reduced to manslaughter."

Twelve years later, however, Lord Morris of Borth-y-Gest, giving the opinion of the Privy Council on an appeal from the Supreme Court of Jamaica in *Belmore v The Queen* (1991) AC 584, 593, had declined to follow *Howe*. He had said: "... If the prosecution have shown that what was done was not done in self-defence then that issue is eliminated from the case. If the jury consider that the accused acted in self-defence or if the jury are in doubt as to this then they will acquit. The defence of self-defence either succeeds or as to

result in an acquittal or it is disproved in which case as a defence it is rejected."

The law of England had now to be taken to be settled in accordance with that decision.

As to whether there was any distinction to be made between excessive force in self-defence and excessive force in the prevention of crime or arresting offenders, the Lordship did not think it possible to say that a person who used excessive force in preventing crime was always, or even generally, less culpable than a person who used excessive force in self-defence.

In any event, it would not be practicable to draw a distinction between the two defences, since they so often overlapped. The degree of permissible force and the consequences of excessive force should be the same in both cases.

The argument in favour of making an exception to the general rule in the case of a member of the security forces acting in the course of his duty had been put forward by Mr Samuel Siddin, QC, Attorney-General, in the course of his submissions in *Attorney-General for Northern Ireland v The Director of Public Prosecutions* (No 1 of 1993) (1997) AC 105, 112.

The special position of a soldier in Northern Ireland was reflected in Lord Diplock's speech (at pp136-137). His Lordship would particularly emphasise the last sentence: "For the performance of [his] duty he is armed with a firearm... from which a bullet, if it hits the human body, is almost certain to cause serious injury if not death."

In most cases of a person acting in self-defence, or a police officer acting in the course of his duty, there was a choice as to the degree of force to be used, even if it was a choice that had to be exercised on the spur of the moment, without time for measured reflection.

But in the case of a soldier in Northern Ireland, in the circumstances in which the appellant had found himself, there was no scope for graduated force. The only choice lay between firing a high velocity rifle that, if aimed accurately, was almost certain to kill or injure and doing nothing.

Should the law be changed? The Criminal Law Revision Committee in its fourteenth report in 1980 (Cmd 7844) had recommended, in

paragraph 73: "Where a person kills in a situation in which it is reasonable for some force to be used in self-defence or in the prevention of crime but the defendant uses excessive force, he should be liable to be convicted of manslaughter not murder if, at the time of the act, he honestly believed that the force he used was reasonable in the circumstances..."

Similar recommendations had been made by the Law Commission (A Criminal Code for England and Wales (1989) (Law Com No 177) vol 1, paragraph 59) and the House of Lords Select Committee on Murder and Life Imprisonment (Session 1988-89, 111 Paper 78).

Those recommendations were all one way and were entitled to great weight, but Parliament had not yet acted on them. The question thus arose whether the House of Lords could itself develop the law along the lines recommended, without waiting for the legislature.

Like Lord Simon of Glaisdale in *DPF for Northern Ireland v Lynch* (1975) AC 653, 695-696, his Lordship was not averse to judges developing law, or indeed making new law, when they could see their way clearly, even where questions of social policy were involved.

A good recent example would be the affirmation by the House of Lords of the decision of the Court of Appeal, Criminal Division, that a man could be guilty of raping his wife (*R v R* (1992) 1 AC 599).

But in the present case his Lordship was in no doubt that their Lordships should abstain from law making. The reduction of what would otherwise be murder to manslaughter in a particular class of case seemed to him to be a matter for decision by the legislature and not by the House in its judicial capacity.

The point in issue was, in truth, part of, or closely related to, a much wider issue, whether the mandatory life sentence for murder should still be maintained. That wider issue could only be decided by Parliament.

Lord Keith, Lord Browne-Wilkinson, Lord Slynn and Lord Nichols agreed.

Solicitors: Bassra Solicitors, Bradford; DPP for Northern Ireland, Belfast.

There was also no power to detain available under paragraph 16(1). It was a prerequisite for lawful detention under that paragraph that a detainee must be required to submit to an examination under paragraph 2 of Schedule 2 to the 1971 Act.

The power to examine under paragraph 2 was exercised by an immigration officer in relation to the need for and the grant or refusal of leave to enter.

As a matter of common sense when an illegal entrant who had already entered the United Kingdom in breach of immigration law applied for political asylum he was not applying for leave to enter, as he had already entered, but was applying for leave to remain.

In his Lordship's view there was no power therefore to require detention under the paragraph 2 of Schedule 2 to the 1971 Act as none of the applicants could have been required to submit to an examination by the immigration officer.

Solicitors: Malik, Manchester; K. C. Cohen & Rhodes, Leeds; Treasury Solicitor.

proceedings shall not count towards service of any custodial sentence imposed by the crown court.

Mr Alexander Dunn for the applicant.

LORD JUSTICE STUART-SMITH, giving the judgment of the court, said that in order to treat a notice of abandonment as a nullity the court had to be satisfied that the mind of the applicant did not go with his act of abandonment.

The applicant gave evidence that, having been granted leave to appeal by the single judge, he had signed a notice of abandonment because he had been told by a member of staff at the secure unit where he was being held, and also by an inmate, that he risked being served with his application and the hearing of the appeal being discontinued.

The court had had no opportunity to ascertain whether that was in fact the case but there was no reason to disbelieve the applicant's evidence.

It was a matter of great concern to their Lordships that such advice should have been given to him by a member of staff.

In those circumstances his application to treat his notice of abandonment as a nullity would be granted.

Solicitors: Johnson Partnership, Nottingham.

enforced. Documents for use in court should be in the A4 format where possible, contained in suitably secured bundles, and lodged with the court at least two days before the hearing of the appeal. Each bundle should be paginated, indexed, wholly legible, and arranged chronologically and contained in a ring binder or a lever-arch file.

Where documents were copied unilaterally or bundled together, the court would be displeased.

6 In cases estimated to last for more than 10 days, a pre-trial review should be applied for or, in default, might be appointed by the court. It should when practicable be conducted by the trial judge between eight and four weeks before the date of trial and should be attended by the advocates who were to represent the parties at trial.

7 Unless the court otherwise ordered, there must be lodged with the listing officer (or equivalent) on behalf of each party no later than two months before the date of trial a completed pre-trial checklist in the form annexed to the Practice Direction.

8 Not less than three clear days before the hearing of any appeal or application each party should lodge with the court (with copies to other parties) a skeleton argument concisely summarising that party's submissions in relation to each of the issues, and citing the main authorities relied on, which should be attached. Skeleton arguments should be as brief as the nature of the issues allowed, and should not without leave of the court exceed 20 pages of double-spaced A4 paper.

9 The opening speech should be succinct. At its conclusion, other parties might be invited briefly to

Relevance of facts needed to start time running

Hallam-Eames and Others v Merritt and Others

Before Sir Thomas Bingham, Master of the Rolls, Lord Justice Hoffmann and Lord Justice Saville [Reasons January 13]

Where a plaintiff sought to rely on the extended limitation period provided by section 14A of the Limitation Act 1980, as inserted by the Latent Damage Act 1986, he was required, within the meaning of section 14A(8)(a), to have knowledge of those facts which were causally relevant for the purposes of an allegation of negligence.

Knowledge merely that the relevant damage had been caused by an act or omission of the defendant was insufficient to start time running against the plaintiff.

The Court of Appeal, so held when allowing an appeal by William Hallam-Eames and other plaintiffs against the decision of the trial judge, Mr Justice Gault, who had made declarations on assumptions issued by the defendants, Merritt Syndicates Ltd, and other specified agencies, Mr Stephen Merritt and Ernest Whinney, under Order 14A of the Rules of the Supreme Court that certain claims in tort arising out of the plaintiffs' losses as members of Syndicates 418/47 were statute barred.

The claims related to: 1 Certain run-off policies written allegedly negligently between 1978 and 1983 insuring other Lloyd's syndicates against their outstanding and future liabilities thereby exposing the plaintiffs to enormous potential liabilities, when, as it was asserted, the underwriters did not have the material on which to form any reasonable view of what they would be;

2 Reinsurance to close (RITC) contracts by which the accounts for the years 1979 to 1984 were closed by the outstanding liabilities being assigned to the plaintiffs for the succeeding year. It was asserted that the underwriters did not have the material on which to make any rational assessment of the potential liabilities of the years being closed and that the syndicates were negligent in not making any rational assessment of the accounts on which the RITCs were based reflected a true and fair view of the syndicates' incurred but not reported liabilities.

Mr Anthony Boswood, QC and Mr Brian Doctor for the plaintiffs; Mr Christopher Clarke, QC and Mr Mark Howard for Ernst & Whinney, Mr Roger Toussaint, QC and Mr Colin Edelman for the members' agents; Mr Anthony Temple, QC, Mr John Rowland and Mr Aidan Christie for the Merritt defendants.

LORD JUSTICE HOFFMANN, giving the judgment of the court, said that the first writ had been issued in 1993 so that all claims except the RITC which 1984 was closed into 1985, which took place

in 1987, were prima facie barred by the six-year limitation period in the Limitation Act 1980.

His Lordship referred to section 14A on which the plaintiffs relied, which by subsection (6) provided that the knowledge required for bringing an action in respect of the relevant damage meant "knowledge both (a) of the material facts about the damage in respect of which damages are claimed, and (b) of the other facts relevant to the current action mentioned in subsection (8)."

Subsection (8) provided that such other facts were, inter alia, (a) that the damage was attributable in whole or in part to the act or omission which is alleged to constitute negligence."

The defendants contended that all the plaintiffs could reasonably have been expected to acquire the requisite knowledge from documents, in particular the annual syndicates' reports and accounts for the years 1981 to 1988 and a letter dated April 18, 1985, which had been supplied to the names more than three years before the issue of the first writ.

The judge found that those documents would have told the names that they had suffered losses sufficiently serious to justify instituting proceedings and that the knowledge requirements of section 14A(8)(a) was therefore satisfied.

Section 14A was based on sections 11 and 14 of the Limitation Act 1980 and subsections (8)(a) and (9) together mirrored the language of section 14(1)(b). It was therefore accepted that the authorities on the latter section were equally applicable to section 14A(8)(a).

His Lordship referred to the most recent of such authorities: *Broadley v City of London* [1993] 4 All ER 228 and *Deebley v Midway Health Authority* (The Times May 18, 1994; [1994] 1 WLR 1234), which had been interpreted by the judge to mean that a plaintiff need only have known that his damage had been caused by an act or omission of the defendant.

The judge had held that the documents had informed the names that they had suffered substantial losses in consequence of the run-off contracts entered into by the managing agents and that they had knowledge that they had suffered losses because of the liabilities incurred on the RITCs being substantially greater than the premiums paid by the managing agents and that the RITCs were based on the accounts certified by the auditors.

Knowledge of those facts was, he said, sufficient to satisfy section 14A(8)(a).

That was an over-simplification of the reasoning in the two authorities. The statute spoke of the damage being attributable to "the act or omission which is alleged to constitute negligence."

Solicitors: More Fisher Brown, McKenna & Co; Oswald Hickson Collier & Co; Reynolds Porter Chamberlain.

alleged to constitute negligence". In other words, the act or omission of which the plaintiff had to have knowledge had to be that which was causally relevant for the purposes of an allegation of negligence.

The plaintiff did not have to know that he had a cause of action or that the defendant's acts could be characterised in law as negligent or as falling short of some standard of professional or other behaviour. But the words "which is alleged to constitute negligence" served to identify the facts of which the plaintiff must have knowledge.

What therefore were the facts which constituted the negligence of which the names complained? In the court's view it would be incomplete to say that it was the policies or the RITCs or the certification of the syndicate accounts.

It was necessary to add the allegation that the run-off policies and the RITCs exposed the names to potentially huge liabilities and that the certified accounts attributed values to incurred but not reported liabilities, none of which were in fact capable of reasonable quantification.

Mr Temple had drawn attention to the facts ascertainable from the syndicate accounts and the letter of April 18, 1985 and had said that even if the plaintiffs were correct about the knowledge needed to satisfy section 14A(8)(a) they were well over the threshold.

On a full investigation of what the plaintiffs knew or could reasonably have ascertained, Mr Temple might well be right but the court did not think that the documents alone enabled it to make such a finding.

In relation to the run-off policies it was well arguable that the terms of the letter of April 18, 1985 should have prompted names to inquire into the precise circumstances in which the policies were written.

However, the court was unwilling to hold on the strength of the letter alone that it amounted to constructive knowledge that the risks insured were not reasonably quantifiable. The names were entitled to an investigation of the circumstances surrounding the writing of the letter and the other information which they were being given before it could be said that the letter made the relevant facts ascertainable.

The judge unduly restricted the facts which section 14A(8)(a) required to be known and the material before him did not enable him or the appellate court to decide under Order 14A or as a preliminary issue that the claims were statute barred. The appeal would be allowed.

Solicitors: More Fisher Brown, McKenna & Co; Oswald Hickson Collier & Co; Reynolds Porter Chamberlain.

Consultation failure makes parking zone decision invalid

Regina v Camden London Borough Council, Ex parte Cran and Others

Before Mr Justice McCullough [Judgment January 11]

Where a local authority failed adequately to consult residents on the introduction in their area of a controlled parking zone, that designation would be quashed.

Mr Justice McCullough so held in the Queen's Bench Division in a reserved judgment when allowing an application under Part VI of Schedule 9 to the Road Traffic Regulation Act 1984 by 10 residents of the Primrose Hill area of London acting in person and led by Mr Mark Cran, QC, against the decision of the London Borough of Camden on July 14, 1993 to make a designation order under the 1984 Act introducing a controlled parking zone (CPZ) in Primrose Hill.

The applicants, all members of the Primrose Hill Action Group, contended, *inter alia*, that the council had been so determined to introduce a CPZ in accordance with its policy of progressively introducing them throughout the borough, that it had failed to consider whether the policy ought to be modified for Primrose Hill and had failed to consult residents and businesses about the need for such a scheme and had failed to give them an opportunity to present alternative proposals.

The introduction of the scheme was, the applicants said, a revenue raising exercise not permitted under the 1984 Act.

Mr Mark Cran, QC and other applicants in person; Mr Stephen Hickman, QC and Mr Peter Harrison for the council.

MR JUSTICE MCCULLOUGH said that there were many issues of fact between the parties many of which had to be resolved before the court of the decision making process could be ascertained. It was not for the court to decide whether or not there ought to be a CPZ in Primrose Hill but to decide whether the order creating the CPZ was lawfully made.

Prominent among the questions raised by the applicants was the extent to which the council might lawfully aim to make a profit from the introduction of a CPZ.

After considering the relevant legislation and evidence, his Lordship accepted the applicants' submission that Parliament had intended that in setting charges to be made in pursuance of the designation of parking places, local authorities should not have regard in the manner in which section 55(4) of the 1984 Act would allow any resulting surplus to be spent, the section only came into play if there happened to be a surplus at the end of the year.

Manifestly, the same would apply to the decision whether or not to make a CPZ designation order.

On the question of whether the council had acted unlawfully in relation to the financial considerations, his Lordship considered, on the basis of the evidence, police officers that the council had taken into account anything which it ought not to or had failed to take into account any factor that it should, or that it had misunderstood or misapplied the law, or reached a conclusion which no local authority could properly have reached.

His Lordship, however, considered the evidence on consultation and concluded that it was clear that what the applicants had said to say had sometimes been ignored by the traffic management division and sometimes incompletely reported to the committee and always accompanied by assertions intended to lead the committee to reject any unsuitable proposals that were reported to have suggested.

By contrast, the basis that it was said would flow from a full CPZ were always emphasised. There had been no recognition of the possibility let alone the fact that a number of the beneficial results of introducing full controls might have been as well achieved by other means.

His Lordship said that while one could not expect perfection in the field of local government administration, affected citizens and representative organisations were entitled to expect objectivity from those whose duty it was to convey to the decision-makers what they had suggested.

The representatives of residents and businesses were entitled to expect much better treatment than they got and in particular they should have been consulted at the beginning before the mind of the respondent had been made up.

Allegations that were being made about the lawfulness of making so much profit from the council's CPZs raised serious issues which were entitled to consideration, that consideration had never been given.

The applicants did not have to demonstrate that the decision would have gone the other way. It was enough that there was a significant risk that it might. The applicants had been substantially prejudiced by the defects in the consultation process.

The application succeeded and the designation would be quashed. The process of consultation would have to start again and the differing views and suggestions considered and evaluated in a spirit of respectful mutual cooperation.

Solicitors: Ms Amanda Kelly, Camden.

Refugee cannot be detained pending decision

Regina v Secretary of State for the Home Department and Another, Ex parte Khan Same v Same, Ex parte Singh Same v Same, Ex parte Singh Same v Same, Ex parte Taggar

Before Mr Justice Dyson [Judgment January 16]

Where a claim had been made for political asylum, the power of detention by an immigration officer under paragraph 16(2) of Schedule 2 to the Immigration Act 1971 until the applicant had made a claim for political asylum, was of general application.

It was not that while a claim for asylum was being considered no removal directions under paragraph 8 or 9 of Schedule 2 could be given. The power to detain under paragraph 16(2) was ancillary to those directions.

The immigration officer had no power to detain at the time under paragraph 16(2) since none of the four was a person in respect of whom directions for removal could at that time have been given.

MR JUSTICE DYSON said that the legislation had to be given its ordinary meaning. The prohibition on removal in section 6 of the Asylum and Immigration Appeals Act 1993, once a person had made a claim for political asylum, was of general application.

Its effect was that while a claim for asylum was being considered no removal directions under paragraph 8 or 9 of Schedule 2 could be given. The power to detain under paragraph 16(2) was ancillary to those directions.

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Loss of time advice was plainly wrong

Regina v Morley

Before Lord Justice Stuart-Smith and Mr Justice Forbes [Judgment January 20]

Where an applicant had been granted leave to appeal by a single judge the Court of Appeal never made a loss of time order against the applicant. Nor, except in very rare circumstances, would it do so where counsel had advised that there were arguable grounds of appeal.

The Court of Appeal so stated in treating as a nullity a notice of abandonment signed by Terry Dennis Morley purporting to abandon his appeal against his conviction for manslaughter on the ground that he had been unlawfully detained in a young offender institution on his plea of guilty in September 1994 at Lincoln Crown Court (Judge O'Rourke) to five counts of burglary.

The Court of Appeal had power under section 29 of the Criminal Appeal Act 1968, to discourage frivolous or vexatious appeals by making an order that time spent in custody by the appellant or applicant for leave for appeal since the commencement of appeal

proceedings shall not count towards service of any custodial sentence imposed by the crown court.

Mr Alexander Dunn for the applicant.

LORD JUSTICE STUART-SMITH, giving the judgment of the court, said that in order to treat a notice of abandonment as a nullity the court had to be satisfied that the mind of the applicant did not go with his act of abandonment.

The applicant gave evidence that, having been granted leave to appeal by the single judge, he had signed a notice of abandonment because he had been told by a member of staff at the secure unit where he was being held, and also by an inmate, that he risked being served with his application and the hearing of the appeal being discontinued.

The court had had no opportunity to ascertain whether that was in fact the case but there was no reason to disbelieve the applicant's evidence.

It was a matter of great concern to their Lordships that such advice should have been given to him by a member of staff.

In those circumstances his application to treat his notice of abandonment as a nullity would be granted.

Solicitors: Johnson Partnership, Nottingham.

enforced. Documents for use in court should be in the A4 format where possible, contained in suitably secured bundles, and lodged with the court at least two days before the hearing of the appeal. Each bundle should be paginated, indexed, wholly legible, and arranged chronologically and contained in a ring binder or a lever-arch file.

Where documents were copied unilaterally or bundled together, the court would be displeased.

6 In cases estimated to last for more than 10 days, a pre-trial review should be applied for or, in default, might be appointed by the court. It should when practicable be conducted by the trial judge between eight and four weeks before the date of trial and should be attended by the advocates who were to represent the parties at trial.

7 Unless the court otherwise ordered, there must be lodged with the listing officer (or equivalent) on behalf of each party no later than two months before the date of trial a completed pre-trial checklist in the form annexed to the Practice Direction.

8 Not less than three clear days before the hearing of any appeal or application each party should lodge with the court (with copies to other parties) a skeleton argument concisely summarising that party's submissions in relation to each of the issues, and citing the main authorities relied on, which should be attached. Skeleton arguments should be as brief as the nature of the issues allowed, and should not without leave of the court exceed 20 pages of double-spaced A4 paper.

9 The opening speech should be succinct. At its conclusion,



OPERA page 40
Put another nickel in the
Jonathan Miller jukebox,
and ENO's *Rigoletto*
spins round again

ARTS

VISUAL ART page 41
One artist plans his
remembrance of 1945,
spread across five
European cities



Fortissimo Britain lacks a piano

Richard Morrison reports on
a new survey that reveals a
nation full of enthusiastic
musicians, but also a shift
in instrumental allegiances



Rumours that Britain is disintegrating into job culture are much exaggerated, it seems. Yesterday a report was published which suggests that, far from wanting to express ourselves by hurling bricks through shop windows after consuming ten pints of lager, many of us like nothing better than to spend a quiet evening with our trombone, or in mastering the tricky left-hand semiquavers in that Beethoven sonata we first attempted in 1982.

Yes, nearly 15 million people in Britain — *das Land ohne Musik*, as the Germans used to sneer — claim to play a musical instrument. That's not quite the same thing as claiming to play an instrument musically, as anybody who has sat in the ranks of one of our less refined wind bands will attest. But it's a start. The figure breaks down to 26 per cent (11.8 million) of the adult population and 45 per cent (3.1 million) of all children aged under 15.

Nor is this an untimely rabble. Three-quarters of those 15 million claim that they had instrumental teaching at some time, even if it was only a courageous primary-school teacher attempting to demonstrate to a class of 35 seven-year-olds the correct fingering for F sharp on the recorder.

This is cheering, if surprising, news. Where do all these people play? Britain has hundreds of brass bands and amateur orchestras — but 15 million instrumentalists would fill an awful lot of village halls, and leave almost no room for badminton and bingo. And what of the six million people in Britain who claim to play the piano? Where do they all hide when somebody suggests a sing-song at a party?

Perhaps, then, these new statistics should be treated a shade cautiously. After all, they come from the Associated Board of the Royal Schools of Music. The Board is, of course, a body of unimpeachable integrity. After all, it

is responsible for turning 350,000 British citizens each year into quivering jellies with its famously uncompromising graded exams. But it does also have a strong vested interest in promoting amateur music-making.

However, its findings — published yesterday as *Making Music* — do seem well-founded. Research was undertaken over 18 months and based on a sample of more than 4,600 adults and children. And although the report seems to indicate that we are a nation obsessed with blowing, scraping, plucking or banging our way through life, it does also highlight some positive trends.

For instance, while many children learn an instrument at primary school (predominantly the recorder) there is a big dropout rate thereafter. Some 59 per cent of all nine-year-olds play. This declines to 42 per cent of 14-year-olds, 32 per cent of those aged 21 to 24, and then ever downwards, until just 22 per cent of the over-45s confess to an instrumental tendency. Evidence that music is a young person's game? Or simply a sign that older people are more honest about their ability to play music?

Either way, Richard Morris, the Associated Board chief executive, laments the turning away from instruments as children enter adolescence. "If we could push back that peak playing period from nine to 12, more children would be hooked on music for life," he claims. As one might expect, far more girls than boys play instruments (51 per cent of girls; 39 per cent of boys), though among adults the numbers are roughly even.

The other worrying trend is, to quote the Board's words, "an absolute decline

in piano playing" among the young. Whereas 12 per cent of all adults profess to dabble the ivories, only eight per cent of children do — and many of them can be expected to drop the instrument before they reach adulthood. It is, remarks Morris, "a pretty massive move away from the piano" among the young, and it seems clear what has caused it: the rise of the electronic keyboard, which is now the second most played instrument (after the recorder) among children. As for the guitar, electric or acoustic — without which no teenage bedroom was complete in the 1960s (and which is second in popularity only to the piano among adults) — that, too, has largely been supplanted by today's children.

The rise of the musical microchip — boosted by the synthesizer-dominated pop world — a bad thing? Not necessarily. After all, £200 will bring a respectable electronic keyboard into homes and classrooms that could not contemplate spending the £1,000 or more needed for a half-decent upright piano. And you could argue that the palette of different timbres available on an electronic keyboard teaches children more about creating sound than an old-fashioned steam piano would.

What's more, the electronic keyboard, if equipped with headphones, can be taught in large classes. However, the Board's view — traditional or "study" depending on your stance — is that the electronic keyboard is taught neither well enough nor widely enough at present; and you will not find it listed alongside bagpipes or free-bass accordion among the 30 instruments on which the Board offers examinations.

Overall, the report does offer statistical confirmation of what anecdotal evidence suggests: that in the last 30 years, thanks to the boom in county youth orchestras and bands, Britain has experienced a glorious explosion of instrumental learning and achievement. The question now is whether this grass-roots revolution can be kept up. County and borough music services have been hit not only by local government cuts but also by the policy of "local management of schools", which devolved funds away from centralised services such as county music centres and into individual schools' budgets. Recent research indicates that the damage to the instrumental teaching network is as yet limited. The Board still has more than 50,000 British music teachers on its register.

What does seem clear, however, is that instrumental playing has increasingly become the monopoly of middle-class families. That is hardly surprising. Music lessons, even from your basic old battleship round the corner, now cost around £18 an hour; a child's violin or trumpet will set you back several hundred pounds; on top of that come exam fees and, of course, sheet music purchases.

But let us end on a cheery note. The quality of the nation's instrumental playing is rising faster than a B flat minor arpeggio in the hands of a Grade VIII pianist. And that's official. The Board, which has deliberately kept its standards constant, finds that the number of candidates sailing through those set-pieces and fiendish sight-reading tests is ever increasing. "More and more people are getting distinction in Grade VIII," says Morris. "Years ago, that would automatically have given you admission to music college. Now it's the minimum requirement."

Making Music is published by the Associated Board, 14 Bedford Square, London WC1E, price £5

LONDON THEATRE: Vivid tale of French peasants — and life

Talking sense in tongues

The Three Lives of Lucie Cabrol
Shaftesbury

WHAT next — the People Show at the Haymarket, with what the publicity blurb for the current London Mime Festival calls its "cool jazz, perverse desire and anarchic humour"? Not quite, not yet, *Benedict Nightingale* writes.

But something must be changing when a single week sees the arrival of two of our most adventurous companies in the old West End. Tonight, Cheek by Jowl reopens its all-male *As You Like It* at the Albery, while Theatre de Complicite continues to recover its breath after a rapturous reception at the Shaftesbury on Monday.

A rapturous Shaftesbury? That sounds as likely as what Shakespeare's Thebes called hot ice and wondrous strange snow. I suppose the explanation may be that most of those packing that vast, charmless theatre were friends of the cast. Complicite being the sort of company that attracts devotees the way Christmas attracts children.

The troupe has an imaginative generosity hard to resist, and its adaptation of John Berger's tale of French peasants combines this with greater narrative clarity than was to be found on its other recent productions, the impressionistic *Street of Crocodiles* and *Out of a House Walked a Man*.

Not that Complicite is pandering to the West End punter. If anything, the opposite is true, for the performers sometimes express emotion by bursting into their native tongues, which in several cases are German or French. I do not remember as much of that at the show's premiere in Manchester a year ago.

I do, however, recall a *Lucie Cabrol* that was still unfinished, still evolving, and in Lilo Baur had a protagonist I found myself comparing unfavourably to Kathryn Hunter, who had been the company's prime choice when it wanted someone to play tiny, fierce, charismatic women.

WELL, Simon McBurney's production has gained assurance without losing its freshness, and Baur, if not as vibrant a being as Berger created, has a tough heartedness all her own. In the first of her "three lives", we see her on the farm: working, being bullied by a brother, helping a member of the Resistance, running amok when he is killed, and being rejected by her lover, McBurney's rumpless, sheepish Jean.

In the second, he returns to the village after long, empty years abroad to find Lucie transformed into a sort of smuggler-hermit, living off nature and her wits. In the last, she is dead, yet still resilient, still looking like a truculent hobgoblin, and in command of the mind of a Jean well aware he renounced love when he left her.

To say there are strong visual effects is hardly neces-



Lilo Baur and Simon McBurney in a scene from Theatre de Complicite's inspiring *The Three Lives of Lucie Cabrol*

MIME

Jolly noisy japes

THE Umbilical Brothers are the comic double act from Down Under who inject mime with modern zip. Their kit is vest and jeans after briefly grooving in their boxer shorts, absurdly springing on the spot like punk guitarists in a PE class. Certainly they have got the tricks of the old school of mime under their belts. There is that imaginary bird landing on the hand, and the old cuspine scene with the obligatory tossing of implied frying pans.

But their art has gone techno. The Brothers have got a microphone. And they can use their mouths, to talk but more phenomenally for sound effects. Every time they take a sticky-soled step, we hear treacly noises. Accelerating, they coordinate a flurry of feet with the orally re-created raps, stamps and shuffles of tap shoes. One of them conjures up a battle with a Goliath-size enemy — his armoury escalating from slings and arrows to nuclear gizmos — or getting knocked for six by a blue-bottle, while his partner is rattling through a cacophony of whistles, smacks, bangs and buzzing.



The Umbilical Brothers, now with added high-tech
Umbilical Brothers
Purcell Room

The humour has a childishness about it. It's clearly cartoonish. Laughs are generated from battles with giant globes of snot or unscheduled vacuum-cleaners wandering across the back of scenes. After a time, I had a pang for something more profound. Although the duo ring the changes with glove-puppet sketches and spoof cabaret numbers, the fights of the mike-and-mime sketches become mildly repetitive.

KATE BASSETT

LEEDS THEATRE: Finely drawn beauty

Sea of tranquillity

THE setting is a house on the edge of the sea, somewhere in western Scotland, some time in February. Robin Don's fine set includes a strip of the promenade where two old biddies, dressed in black hats, coats, gloves and shoes because they are off to a funeral, wait for the bus to take them there. Below the railings an ice-covered beach stretches to the grey sea.

A more desolate situation would be hard to imagine, but Elspeth (Phyllida Law), on a visit to her recently widowed daughter, enjoys strong weather. She and Frances (Sian Thomas) are one of the four couples whose lives are briefly opened to us in Shuarman Macdonald's elegiac, at times very funny play.

Commissioned, remarkably, by Alan Rickman (who also directs) and Ruby Wax, the play is a co-production with the Almeida Theatre, where it transfers in March. Frances's schoolboy son (Christian Zanone) meets a wild girl (Arlene Cockburn) on the beach, and invites her to his mother's house where a hot bath warms her but she cuts her foot. Elspeth and Frances skirt around their feelings before edging towards each other. Chloë and Lily (Sandra Voe, Sheila Reid) gossip perkily about the past, the rare treat of a burial after so many cremations, and plan

The Winter Guest
West Yorkshire
Playhouse

the hot tea they will have when they reach home. Two 12-year-olds (David Evans, John-Ross Mortland) build a fire from driftwood, shelter a pair of kittens and wonder if there is some way to bring on puberty.

Only twice is there any overlapping experience between the couples. Elspeth inside the house and Lily on the beach hear a pianist playing "Beautiful Dreamer" in the house next door, and, independent of each other, softly la-la-la the tune. Later Elspeth talks to one of the boys, who asks if he may touch Frances's turtleneck hair. The first overlap spreads a delicate wistfulness over that section of the play; the boy's request alters the relationship between mother and daughter.

Against its grey, beautifully lit (by Peter Mumford) seascape, the play moves onward like a reverie, its excellent cast and Rickman's sure direction floating rafts of emotion towards us, where they circle for a while and then pass on. Michael Kamen's music steals through the scenes like a gentle ghost.

JEREMY KINGSTON

LA BOHÈME

PUCCINI

THE ROYAL OPERA

Will the pools pull the plug?

The National Lottery is threatening to kill off a rich source of arts funding. Simon Tait reports

The Foundation for Sport and the Arts, which has contributed more than £75 million to the arts since its creation by the pools promoters in July 1991, is in danger of being closed down by the National Lottery, its director has warned. The pools companies have cut their contribution to the FSA by 17 per cent since the lottery's start in November, reducing the weekly income of £1.4 million by £237,000.

And worse is to come, says the FSA's secretary, Gratian Endicott: the two minor members of the pools triumvirate, Zetters and Vernons, are freezing their contribution of 22 per cent, and Littlewoods, prime mover for the introduction of the foundation, is to cut the amount it gives.

"It's not a case of suddenly turning the tap off," Endicott says. "I will only have to wait until it's what happens to us. But perhaps it's not totally unforeseen at the moment, in view of the latest comments from the pools promoters."

The pools companies are pushing for an early meeting with the Home Secretary to get swift decisions on six points which, they say, will "level the playing field" with the National Lottery. They want to be able to advertise on television and radio, which they are forbidden to do by law. In addition they want a reduction on the tax they have to pay (33 per cent, with another 10 per cent going to the FSA and the Football Trust, while the lottery operators, Camelot, have to pay 12 per cent with 25 per cent going to good causes); greater scope to roll over prizes from one week to the next; relaxation of strictures on the kind of pools competitions that can be promoted through retail outlets; an easing of restrictions on collecting winnings from retail outlets; and the ability to manipulate prize money to boost jackpots (the pools have a ceiling of £1 million, while the lottery at present has no upper limit). These points have also been sent to the National Heritage Select Committee.

One troubled regional theatre got some good news from the FSA last week: the FSA trustees agreed to a grant of £100,000 to help it out of deficit. But a postscript to the letter, from Endicott, contained a stark warning: "It is far from clear whether the pools are going to survive in a sufficient way to ensure the future of the Foundation," he wrote. "So no assurances are offered that we will survive to accom-



Going rates for the football pools in 1936: now the lottery's success is forcing the three big promoters to cut or freeze their contributions to the Foundation for Sport and the Arts

plish what we plan... because we have not committed ourselves to grant offers until we can set the necessary funds aside, any firm offers of grants are secured except in the event of some outright and unforeseen disaster."

The situation is not unexpected. The 1991 Budget was expected to contain an announcement about the creation of the National Lottery. But the pools promoters mounted a concerted campaign against it for fear of the damage it would do to them, and persuaded the then Chancellor, Norman Lamont, to reduce the restrictions and tax burden on them. In return they would create the FSA, which would give a third of its income to the arts and the rest to sport (since it began operating it has given £220 million in 12,500 grants). They thought the arrangement had

scuppered the lottery, but in the event it merely delayed the eventual announcement, and the National Lottery Act came in 1993.

In the meantime the FSA had established itself as a major player in arts funding. It ensured the revival of the Oxford Playhouse, the creation of Landis's new 1,500-seat concert hall, and the purchase of the London Coliseum by English National Opera. The Coliseum scheme was a partnership with the Government: the £2 million contribution from the foundation seemed to confirm that it was now an important permanent source of arts funding.

The most recent list of grants includes £100,000 to create a performance centre at a Staines school, £140,000 for rehousing the Liverpool Everyman Theatre, £100,000 for

Glyndebourne Touring Opera's current tour, £90,000 to create a Highland piping centre in Inverness, and £150,000 towards Warehouse Theatre's new home in Croydon.

Most grants, however, are for relatively small amounts, plugging gaps in existing funding arrangements and often, for example, merely assisting a student with tuition fees where there is no local authority grant.

"We're not saying there isn't a role for funding quality performances, but we feel they are more directly the concern of the Sports and Arts Councils," Endicott says. "We're giving a lot of smaller grants which are just to enable young people to join in music-making and so on."

With his chairman, Sir Tim Rice, he has recently tried to enter the debate on whether lottery money should be for capital projects only, as specified in the National Lottery Act. What use are new concert halls and theatres, many commentators asked, when cuts in revenue funding meant no subsidised orchestras or drama companies could perform in them?

Endicott circulated a discussion document suggesting that the FSA and some of the lottery agencies — the Arts Council, Sports Council, Millennium Commission and National Heritage Memorial Fund, though probably not the new Charities Board — could work together guaranteeing some revenue funding to go with important lottery-funded capital projects.

There could be scope in selected

cases for start-up revenue funding in the first two or three years of a project for which a National Lottery distributor was providing grant aid for capital expenditure," he says. There has been some positive response, mostly from the Sports Council so far.

"One of the philosophies that I have been advocating is the need for a diversity of funding bodies," says Endicott. "I believe that people should have a kind of system of appeal to a different body when they get rejected by the first, so that there is more than one string to the funding bow."

If the pools companies fail to get the decisions they want from the Government quickly, he adds, arts organisations will soon be an important string short as they tackle mounting deficits.

ARTS BRIEFING

Neptune calling

SUPPLICANTS continue to hammer at the doors of those responsible for distributing National Lottery proceeds. This week's big fish is the National Maritime Museum in Greenwich, which yesterday submitted a bid for £8 million from the Heritage Lottery Fund towards its £14 million project to redevelop the Neptune Hall, in the heart of the museum. The redevelopment, to be completed by 1998, will reinstate the original courtyard layout and will include the creation of "a vast and spectacular atrium" as the main entrance to the museum. Meanwhile, on the other side of London, the Royal Albert Hall is putting the finishing touches to its lottery bid. As it seeks at least £15 million to turn it into "a world class venue fit for its third century", there is encouraging news from the promoters' trade magazine *Performance*. Readers have declared the Albert Hall to be International Facility of the Year for the second time in succession, beating the likes of the Birmingham NEC and Hong Kong Stadium.

DAVID POUNTNEY, the opera producer famed for his colourful and metaphorical productions at the London Coliseum, makes his first ever foray into spoken theatre next month, directing a Twelfth Night at the Nottingham Playhouse that sounds unusually energetic. It will be a mixture of "erotica and fantasy" set on a present-day "paradise island" infused with the music of an "ex-virtuoso saxophonist", or Feste as Shakespeare called him. Not surprisingly, John Harle, one of Britain's top saxophonists, composes and plays the music for the production, which opens on February 9.

Theatre reopens

AFTER nearly 60 years of silence, the Cambridge Festival Theatre opens its doors to the public again in March. The Georgian playhouse, which has not been used since 1939, was built in 1814 and boasts a spectacular cyclorama. The Cambridge University Marlowe Society will stage Shylock's *The Lady of Pleasure* there from March 10 to 25, after which there are plans (dependent on National Lottery funding) to restore and reopen the theatre as a permanent performing arts venue.

Ghosts of the ghettos

Guy Chazan on an American artist's plans to commemorate Europe's refugees, past and present

An American artist is using the fiftieth anniversary of the end of the Second World War to unleash his own lightning sweep on the cultural capitals of Europe. But the enemy in his sights is not an army, but the failure of memory, and his weapon is a unique ability to reawaken it.

Shimon Attie, a native of California who now lives in Berlin, is behind a project entitled "Acts of Remembrance" which brings his own brand of public art to five European cities — Copenhagen, Cologne, Amsterdam, Rotterdam and Krakow — in installations designed to tease out each city's peculiar experience of war and occupation and link it to the pressing problems each faces today.

The furthest along of the five is the Copenhagen project, "Portraits of Exile", which

draws on the fairytale story of how Denmark's Jews were spirited away to Sweden in the boats of Danish fishermen in 1943, saving them from certain deportation to Hitler's concentration camps.

Attie has juxtaposed this heroic episode with the less altruistic treatment Denmark metes out to refugees streaming into the country from the war-torn Balkans, many of whom were forced to live for months aboard a crowded, dirty container ship in Copenhagen harbour while their asylum applications were considered, triggering furious protests from human rights groups.

In an attempt to link the two stories, Attie and his German technical collaborator, Matthias Malle, plan to produce a series of light boxes, each containing transparencies



Shimon Attie's slide projection of a 1930 Hebrew bookshop in Almstadtstrasse, Berlin

showing refugees from the former Yugoslavia and Jews rescued by the Danes in 1943, superimposed on a complex of other images and backlit with fluorescent tubes, and place them underwater in a 200m stretch of canal in front of the Danish Parliament building.

The idea of weaving a collage of images from the Holocaust — the yellow star, the faces of deportees — and from the Balkan refugee crisis — maps of escape routes, entry visas in Yugoslav passports — literally to shed new light on the often troubling correspondences between past and present, has aroused huge media interest in Denmark.

Jesper Soholm of Bizart, Attie's local producer, sees the project as a way of jolting Danes out of the complacency born of an untroubled past. The almost mythic aura surrounding the 1943 evacuation, he says, conceals the less palatable fact that Denmark refused to grant asylum to many thousands of Jews trying to flee Nazi Germany during the 1930s. "Then, as now, people's fate depended on a yes or no from the Danish Government," he says.

"Portraits of Exile", which opens in April, is one of a quintet of commemorative projects to be realised by Attie this year. In Cologne, he will use huge slide projections to explore the buried past of the city's Messegebäude, venue of the prestige "Art Cologne" art fair which also, unbeknown to many Germans, served as a concentration camp during the war. In Amsterdam, he will create public installations at sites throughout the city where Jews were sheltered from the Nazis by their Dutch neighbours. And in Krakow, projections portraying images of the former wartime Jewish ghetto will be placed along the lines of a tram which once plied its way through the ghetto and still follows the same route today.

The projects mark a breakthrough for Attie, 37, whose original mixture of art and archaeology has already brought him fame in Germany. His greatest success to date was "The Writing on the Wall", where prewar photographs of street scenes from the Jewish ghetto of East Berlin — showing kosher butchers, Hebrew bookshops,

Talmud schools — were projected onto the same locations today. The strangely sumptuous photographs of the resulting collages, where the dead revive and return to claim back their homes, were seen last May at the Zelda Cheate Gallery in London and are now on show in New York's Museum of Modern Art, where they have received critical acclaim.

It was Attie's desire to explore history and memory in his art which prompted him to abandon sunny California and "the supremacy of the now, the 30-second soundbite", for the sombreness of Berlin, a crippled city which still wears its past like a gaping wound.

Although he denies his art is didactic, Attie describes it in moral terms, as a *memento mori*, a tribute to the nameless victims of Europe's greatest cataclysm. "What is most urgent for me," he says, "is to hear the silent voices of those who lived here and were eradicated, to make visible what you feel but do not see, to peel back the wallpaper of today and reveal the history buried underneath."

JAZZ: Solo pianist and band drummer have excellence in common

Matchless improvisation

WHEN he first attracted public attention in the late 1970s, first in his native France and subsequently in America, Michel Petrucci was widely regarded as a pianist with astonishing technical gifts — the inevitable comparisons were made with Oscar Peterson — but whose style was perhaps over-indebted to the gentle lyricism of Bill Evans. In the 1980s, however, courtesy of a series of Blue Note recordings and even an extended flirtation with electricity, Petrucci emerged as one of the music's most original voices.

His final, solo piano album for Blue Note, *Promenade with Duke*, showed off the whole range of Petrucci's gifts: his almost crystalline fragility on ballad material, his ebullient wit, his stunning use of extreme dynamic and textural contrast. All these qualities were on display at his solo performance at a full and rapturous house at the Queen Elizabeth Hall.

Beginning with a remarkable 50-minute improvisation that used tunes like "My Funny Valentine", "In A Sentimental Mood", "Autumn Leaves" and "Take The 'A' Train" as reference points on a journey through the whole of jazz piano, from stride and boogie-woogie, through bebop to Evans and Keith Jarrett, Petrucci showed that he is now able to produce supremely tasteful music whose wit and intelligence remain uncompromised by his rumbustiousness.

After a brief excursion into lush balladry, Petrucci was off again into the jazz piano tradition, weaving a loping "These Foolish Things" into Thelonious Monk, and managing to refer to "Windmills of Your Mind" in the middle of "Round Midnight" without a hint of archness.

IT WAS clear that the drummer-led quintet billed as Winston Clifford and Friends meant business when Clifford announced at the beginning of this "Commuter Jazz" concert

in the Festival Hall foyer that, instead of the customary two shortish sets, they would play one long one, and immediately launched into a 15-minute version of Thelonious Monk's "Straight, No Chaser".

The first soloist, tenor player Denys Baptiste, applied his pleasantly foggy tone to Monk's bluesy changes in a gussy but considered improvisation. The vigorously fluent soprano saxophonist Jason Yarde and pianist Trevor Watkiss also contributed lively solos, but it was Clifford himself who compelled attention.

Fortunate in being able to depend on the reliable bass of Gary Crosby to provide a solid rhythmic and melodic foundation, Clifford was free to explore the possibilities of Monk's famous composition

with an unshowily virtuosic display of forceful but sensitive drumming.

In both Joe Henderson's perky "Recorda Me" and the following piano trio feature, "If I Should Lose You", the drummer cannily showed off his sidemen's strengths, falling in with Watkiss's shuffle-bounce beat in the former behind Baptiste's warm solo, and maintaining discreet vigilance lest the latter subside into mere prettiness.

Rounded off with a suitably wistful version of Ellington's classic "In A Sentimental Mood", this was a classy quintet gig, and one which located Clifford in a fine tradition of great drummer-leaders: Art Blakey, Tony Williams, Cindy Blackman.

CHRIS PARKER

Two Weeks with the Queen

adapted by Mary Manners from the novel by Morris Chesterton

Mon Averbourn EXCELLENCE PRODUCTIONS

What... do not miss this play

Sunday Times

A Royal National Theatre production

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THE TIMES THEATRE CLUB

Supporters dig deep for Celtic's share issue

By KEVIN MCCARRA

CELTIC, short of Bell's Scottish League premier division points and without a trophy since 1989, awoke yesterday to find itself awash with money.

An offer to supporters of new shares worth £5.4 million has been massively oversubscribed. The club's chief executive, Fergus McCann, had hoped that there would be around 5,000 investors, but by the deadline almost double that number had applied.

Since the scheme offered a variety of packages and benefits, ranging in cost from £620 to £62,000, it is impossible to tell, before an official announcement, exactly how much extra finance Celtic has received. There will be a natural reluctance to refund all of that surplus cash, and McCann is reviewing matters.

"We are currently putting together a plan," he said, "so that all applicants will be able to receive the number of shares that each requested." The Scots-Canadian millionaire has confounded critics

of equity taken by Dermot Desmond, an Irish investor, and the minimum of £5.4 million issued to supporters.

Over £21 million of funding has thus been pumped into Celtic in the past ten months. The success of the final part of the exercise, with its dependence on popular support, is unprecedented in the history of British football, where share issues have often proved to be fiascos. McCann was suitably grateful.

The chief executive admitted that he felt humbled by the reaction of supporters. "It is the ordinary fans who have overwhelmed the issue, not institutions," he said. "They feel it is an investment which will grow in value, not just a donation to Celtic. Of course, they also recognise that the money will go towards advancing the club. We now have £21 million in share capital and that is a strong base."

Celtic's troubles are not, of course, at an immediate end. It will, after all, cost £26 million to complete the redevelopment of the ground and large amounts are also required for new players. However, the success of the share issue corroborates McCann's claim that a vast potential had hitherto gone untapped.

Channelling the forces which have been unleashed will be tricky. Supporters are to receive a mixture of ordinary shares, which carry voting rights, and preference shares, on which a six per cent annual dividend will be due from 1998. In striving to meet demand, McCann could not, for example, part with too many ordinary shares from his own holding without losing majority control.

These, though, are difficulties created by success. Bill McCall, of the investment firm, Tiney and Co, said: "Celtic supporters have done something analysts do not think is possible. To have an issue oversubscribed when the Stock Exchange is in a rough patch is good going. The government can't even do it with PowerGen without offering incentives."

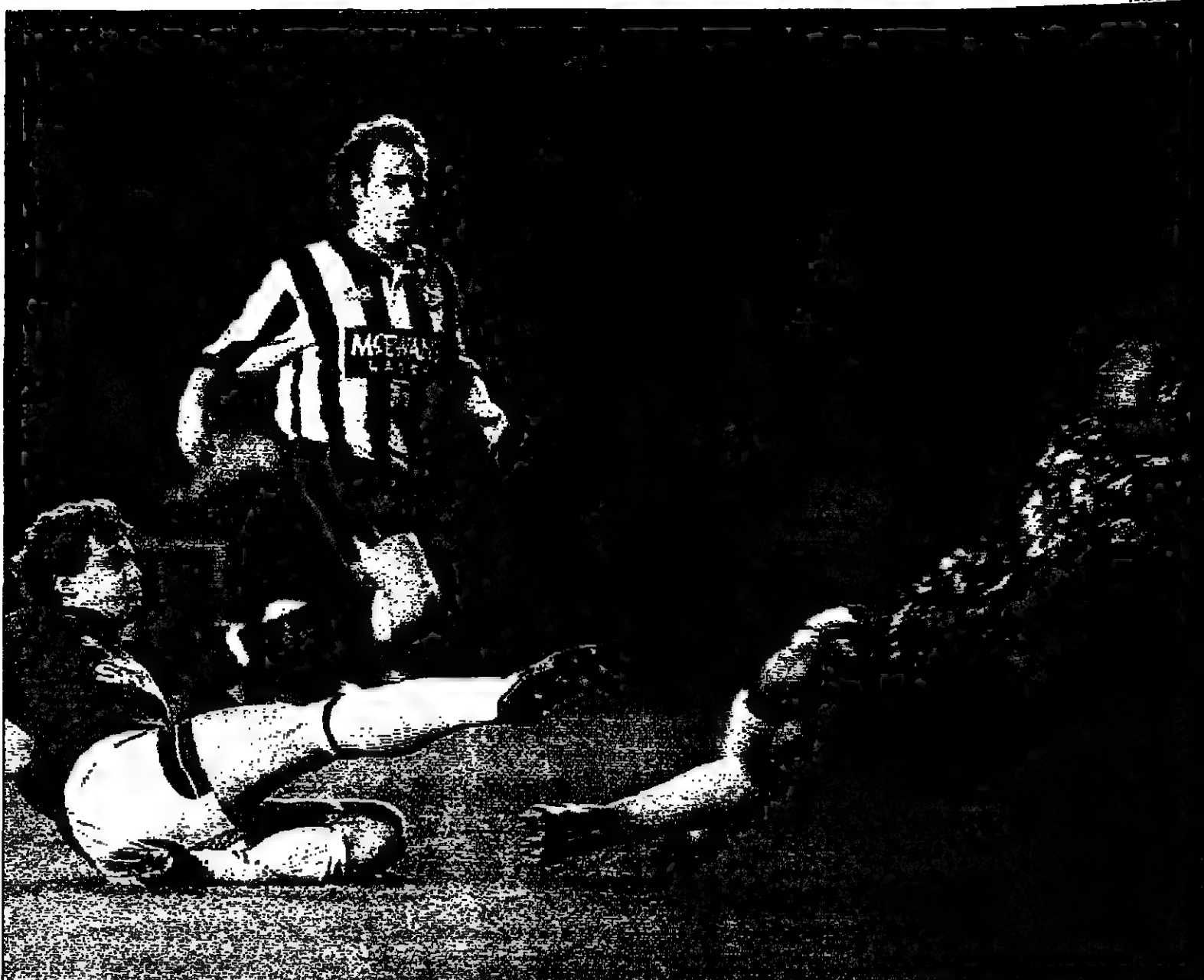
Mark Hateley and Gordon Durie are likely to return for Rangers for the start of the Tennents Scottish Cup campaign at Hamilton on Saturday. Hateley has not played since picking up a groin injury against Hibernian on Boxing Day. Durie has been recovering from a back injury while serving a two-match ban.

Philippe Albert, Newcastle United's Belgian international defender, has undergone a successful operation on a serious knee injury suffered during training, but will not play again this season. "The season is over for me, so I can work quietly on my recovery," Albert, 27, said yesterday.

who predicted his venture would meet with a lukewarm reception. Celtic Park was almost besieged yesterday as people attempted to buy shares before the door was locked when the offer closed at 10am.

The frenzy had mounted all last week, with £1 million being taken in by the club on Friday alone. Some of the investments hinted at high emotion and extreme sacrifice with, for example, a supporters' club from Greenock, a town ravaged by unemployment, raising £25,000. Several members of the team have also applied for shares, two players investing £33,000 between them.

McCann's plans for recapitalising the club are complete. In the first phase, he and members of the consortium who seized control in March last year bought some £12 million in new shares. A further sum of at least £9.4 million has now been raised. This comprises the £4 million



Hughes, scoring the goal against Newcastle that led to his injury, may fit into the "dream strike-force" envisaged by Cantona.

Hughes given option of staying at United

By OUR SPORTS STAFF

MARK HUGHES' recuperation was yesterday given a boost when Alex Ferguson, the Manchester United manager, said it was up to the player to decide whether or not he stays at Old Trafford.

Ferguson, whose team seeks to take over leadership of the FA Cup Premier League at Crystal Palace tonight, said he is tempted by Eric Cantona's dream of playing in a three-pronged attack with Hughes and Andy Cole, the £7 million signing. "It would be an incredible partnership," Cantona said. "I hope we can all be good together."

Ferguson, who might already have sold the Welsh striker to Everton had he not gashed his knee against Newcastle United ten days ago, fears it is just a pipedream. "We could perhaps play Cole and Hughes together, with Cantona playing off the front two," he said. "But then we would probably have to leave out a winger and a lot of our success has been based on wide players stretching the opposition."

He does not, however, rule out a continuing role for Hughes at Old Trafford, adding: "I wouldn't want to embarrass Mark Hughes by

leaving him out because he is a great player and has served this club nobly. It will be up to him to decide what he wants to do, bearing in mind that we have signed a young centre forward because I have to plan for the future."

"At the moment we are waiting for Mark to get fit again, then we can sit down and talk about what's best for him and the club."

In the meantime, Cole and Cantona will seek to establish

an understanding at Palace, with David May coming in at centre half for the suspended Steve Bruce. Cantona scored in the 3-0 home win against the Londoners in November and a Selhurst Park repeat would put United a point clear of Blackburn, though Kenny Dalglish's men will have two games in hand.

After just one win in 11 games, only goal difference is keeping Palace out of the bottom four but Alan Smith,

the manager, is convinced his squad has the character to stay up. "We need three points and I'm looking for a big performance," he said.

Wimbledon will boost their chance of winning a place in Europe if they can extend Newcastle's miserable Premier League run at St James' Park. Kevin Keegan, the Newcastle manager, will give £1 million-raised Keith Gillespie his full debut as he seeks his first win in seven games.

But John Berrisford has been ruled out for up to a month with a hamstring injury, while Darren Peacock and Robert Lee are doubtful.

Newcastle tackle Everton in eight days and Keegan said: "This is an absolutely crucial week for us. We must get six points and progress in the Cup to give our season a boost." Wimbledon have taken 14 points from the last 18 to stand eighth in the table.

George Graham must wait to hear whether action will be taken over alleged irregular payments to him. The Arsenal manager had been told that initial findings of the Premier League investigation would be announced this week. A spokesman for the Football Association said: "The suggestion that the inquiry is due to report on Thursday is not accurate."

Arse's full season information today, though — how much the transferred Ipswich striker, Chris Kivomya, will cost them. A Football League transfer tribunal will decide the disputed fee between Arsenal's £500,000 valuation and Ipswich's £2 million. Brian Little, the Aston Villa manager, has sacked the club's youth team coach, Colin Clarke.

Martin criticises sending-off

ALVIN MARTIN, the veteran West Ham United defender sent off for a serious foul play in the FA Cup Premier League match against Sheffield Wednesday at Upton Park on Monday, yesterday described his dismissal as "probably the worst decision" he had suffered in his career.

Martin looked dumbfounded when Paul Danson, the Leicester referee, brandished the red card after he stumbled into Mark Bright, the Wednesday striker, near the halfway line in the tenth minute. "The referee said I rugby-tackled Bright, but I simply slipped and fell across him," Martin said. "There was no intent on

my part and I didn't wrap my arm around him."

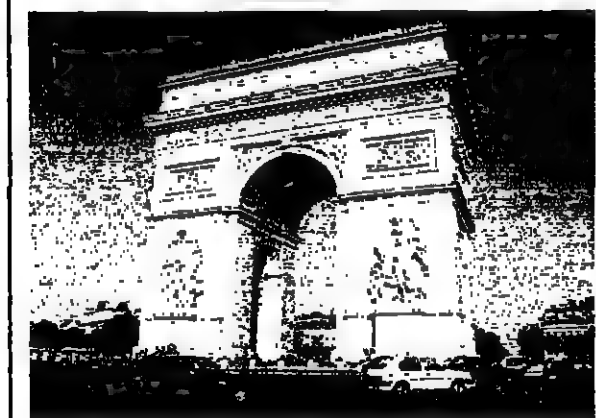
"I thought the worst that could happen was a yellow card for obstruction, and I couldn't believe it when the red came out. It was probably the worst decision I have ever had in my entire career."

Danson, who earlier this season dismissed Tony Cottee during West Ham's match against Liverpool at Anfield, later sent off Tim Breacker, Martin's fellow defender, on Monday. Breacker, cautioned for a foul, could have few complaints after committing a second bookable offence, a 73rd-minute late challenge on Graham Hyde.

West Ham, already trailing to Chris Waddle's goal, eventually went down 2-0 as Bright added a second for Wednesday near the end.

If there was any consolation for Harry Redknapp, the West Ham manager, it arrived in the shape of a small concession from Danson. Redknapp persuaded him to view again on video the incident involving Martin, provided that the request is made through the Football Association. "Alvin is a key player and we cannot afford to be without him for three games," Redknapp said. "We hope we can get any suspension reduced to one match."

THE TIMES



A Paris weekend for 20p

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If you choose to take your weekend break in Paris, this destination is available in September — if your main holiday is worth £750 or more per person.

These two-night city breaks are based at the Hotel Le Meridien Etoile and the Hotel Montparnasse. Located in the heart of Paris, the Etoile is on the Right Bank near the Louvre and the Champs Elysees while the Montparnasse is beside the Seine on the Left Bank. These two hotels offer fine French hospitality in comfortable surroundings. Both hotels have several bars and restaurants. Flights are with British Airways.



BASKETBALL	
NATIONAL ASSOCIATION (NBA): LA Lakers 108 Charlotte 102; Cleveland 90 LA Clippers 88; Utah 116 Dallas 111.	
BOXING	
BETHNAL GREEN, British super-middleweight championship (vacant): Ali Forbes (England) vs Fidel Castro-Sanchez (Cuba); Super-middleweight (vacant): Paul Mullings (Ireland) vs Del Gargano (Ireland); Super-heavyweight (vacant): Paul Mullings (Ireland) vs Del Gargano (Ireland); Middleweight (vacant): Matt Brown (Ireland) vs Andy Lee (Ireland); Light-heavyweight (vacant): Matt Brown (Ireland) vs Andy Lee (Ireland); Heavyweight (vacant): Matt Brown (Ireland) vs Andy Lee (Ireland).	
CRICKET	
RED STRIKE CUP: Bridgetown: Guyana 160 and 227; Barbados 230 and 154-4; Barbados won by 8 wickets. Pool of Spain: Windward Islands 237 and 171; Leeward Islands 183 and 183-5 (A Belkham 75). Match drawn.	
FOOTBALL	
FA CUP: Second round: Blackpool 1-0; Bolton 1-0; Burnley 1-0; Charlton 1-0; Chelsea 1-0; Coventry 1-0; Crystal Palace 1-0; Derby 1-0; Everton 1-0; Fulham 1-0; Ipswich 1-0; Leeds 1-0; Liverpool 1-0; Manchester City 1-0; Manchester United 1-0; Newcastle 1-0; Norwich 1-0; Oxford 1-0; Peterborough 1-0; Reading 1-0; Sheffield Wednesday 1-0; Southampton 1-0; Stoke 1-0; Sunderland 1-0; Tottenham 1-0; Watford 1-0; West Ham 1-0; Wimbledon 1-0; Wolves 1-0; Yeovil 1-0.	
RUGBY UNION	
NEWPORT: Welsh Open: First round: Newport 1-0; Cardiff 1-0; Swansea 1-0; Glamorgan 1-0; Gwent 1-0; Monmouth 1-0; Torfaen 1-0; Vale of Glamorgan 1-0; Vale of Powys 1-0; Vale of Rhondda 1-0; Vale of Glamorgan 1-0; Vale of Powys 1-0; Vale of Rhondda 1-0.	
TENNIS	
MELBOURNE: Australian Open: Men's singles: Andre Agassi (USA) 6-4, 6-3, 6-4; Pete Sampras (USA) 6-4, 6-3, 6-4; Boris Becker (GER) 6-4, 6-3, 6-4; Michael Chang (TPE) 6-4, 6-3, 6-4; Andre Agassi (USA) 6-4, 6-3, 6-4; Pete Sampras (USA) 6-4, 6-3, 6-4; Boris Becker (GER) 6-4, 6-3, 6-4; Michael Chang (TPE) 6-4, 6-3, 6-4.	
VOLLEYBALL	
MEN'S NATIONAL LEAGUE: First round: Poland 3-0; Russia 3-0; USA 3-0; Brazil 3-0; Argentina 3-0; China 3-0; Korea 3-0; Japan 3-0; Iran 3-0; Italy 3-0; France 3-0; Germany 3-0; Netherlands 3-0; Belgium 3-0; Spain 3-0; Greece 3-0; Turkey 3-0; Bulgaria 3-0; Romania 3-0; Czech Republic 3-0; Slovakia 3-0; Hungary 3-0; Slovenia 3-0; Croatia 3-0; Serbia 3-0; Montenegro 3-0; Bosnia and Herzegovina 3-0; Macedonia 3-0; Bulgaria 3-0; Romania 3-0; Czech Republic 3-0; Slovakia 3-0; Hungary 3-0; Slovenia 3-0; Croatia 3-0; Serbia 3-0; Montenegro 3-0; Bosnia and Herzegovina 3-0; Macedonia 3-0.	

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RFL forced to counter claims of widespread drug abuse

By CHRISTOPHER IRVINE

WHEN Jamie Bloem, the Doncaster full back, chose to kick and tell to a Sunday newspaper after taking anabolic steroids, his published comments proved every bit as poisonous as his drug-taking. According to Bloem, he was far from the only bad apple in the rugby league barrel.

Bloem, 23, now back in his native South Africa after receiving a maximum two-year ban from the Rugby Football League (RFL), claimed he knew of a dozen players who, if dope-tested, would prove positive for steroids. No names were named by Bloem, who said he paid £65 for a five-week course of injections on the advice of a body-building acquaintance.

The RFL's claim that he was an isolated case was " rubbish", according to Bloem, who failed recently in an appeal to have his suspension reduced. An unsubstantiated story from a disgraced source has, understandably, infuriated the RFL, especially as in the eight years since random testing was introduced to the sport, Bloem is the only player to have proved positive for steroids. The matter is not being taken lightly by the RFL, which, in order to prove its point, is considering upgrading its drugs policy.

Maurice Lindsay, the RFL chief executive, said: "I would like to prove beyond any doubt that our game is clean, so it would seem to me that a better system should be introduced to make sure that different players are tested. I hope one day we can say that all our players have been tested."

Bloem, who claimed he first took the steroid, nandrolone, last summer as an alternative to two months out of the game because of a hernia operation, may be asked to appear before a league committee in Leeds to explain his remarks, in company with Sonny Whakarua, another Doncaster player, who, it was reported in the article, has supported Bloem's allegations of a widespread drugs problem.

Witness, for the first time in the club's 100-year history, will assume the bottom spot in the first division of the Stanes Bitter championship at present occupied by Hull should they lose the match between the sides tonight at the Boulevard. Of the two recently great clubs who have fallen on hard times, Hull's need is marginally the greater, having played a game more and being two points adrift. Widnes, without a league win in eight games, have Paul Hume, the captain, back after a two-match suspension.

Hume, 28, the former Great Britain forward, said: "No side has a divine right to stay in the first division, but I believe we're in a false position and we must prove that."

Stuart Spruce and Emosi Koloto are two of the international players on the Widnes injury list at the moment. A third, John Devereux, has appeared only briefly so far this season, and it was confirmed yesterday that he will not appear for Wales against England at Cardiff next Wednesday.

Wakefield Trinity, under the temporary coaching axis of Paul Harkin and Andy Kelly, have risen from two places off the bottom of the league table thanks to three successive victories. Castleford, their visitors tonight, have lost their past three matches. The tie between Wigan, the holders, and St Helens in the fourth round of the Silk Cup Challenge Cup will be the live televised BBC match on Saturday, February 11.

SNOW REPORTS	
Depth (cm)	Conditions
U	P
Run to result	Weather (°C)
Last snow	
AUSTRIA	
Kitzbühel	80 105 fair varied cloud -3 24/1
Mayrhofen	20 105 good powder varied cloud 2 24/1
Obergurgl	85 135 good powder good snow -6 24/1
Schladming	75 135 good varied good cloud 0 24/1
FRANCE	
Alpe d'Huez	110 250 good crusty good fair -4 24/1
Avoriaz	150 210 good varied good fair -3 24/1
Courchevel	110 200 good heavy good fair -3 24/1
Isola	40 80 fair crust fair -2 20/1
Mégève	80 240 good powder good fair 0 24/1
ITALY	
Cervinia	80 250 good varied good fine 0 23/1
SWITZERLAND	
Arco	80 150 good powder good fine -4 24/1
C Montana	210 280 powder powder good snow -3 24/1
Grindelwald	35 105 good heavy good fair 0 24/1
Zermatt	75 265 powder powder good snow -2 24/1

Source: Ski Club of Great Britain. L: lower slopes; U: upper; art: artificial.

Courier defeated by heavy-hearted compatriot in Australian Open

Courageous Sampras fights back the tears

FROM STUART JONES, TENNIS CORRESPONDENT IN MELBOURNE

PETE SAMPRAS has, in a sense, already captured the Australian Open. Whether he can find the strength to defend his title over the next four days, the championship this year is destined to be remembered for his physical resilience and emotional vulnerability in the face of unrelenting hardship.

Forty-eight hours after coming back from a two-set deficit against Magnus Larsson in the fourth round, Sampras, of the United States, repeated the feat against Jim Courier in an extraordinary quarter-final that did not finish until after 1 o'clock this morning. The exhaustion he could endure, the strain of losing his ailing coach was too much to bear.

Tim Gullickson, who has guided him to four of his five grand slam finals, was being

hours. At 3-4 and after four deuces, Courier struck a weary forehand into the net to concede the decisive break. Sampras held his service and left to a standing ovation. His victory, by 6-7, 6-3, 6-4, 6-3, will be etched in the memory of all who witnessed it.

The quality was as high as that displayed in the Wimbledon final of 1980, featuring the protracted tie-break between Bjorn Borg and John McEnroe. The tension was as taut as that played in the French Open semi-final of 1989 between Michael Chang, a 17-year-old racker with cramp, and Ivan Lendl, in his pomp.

Rarely, if ever, though, have two men waged such brutal warfare for so long. In view of the severity of the hitting (Courier treats the ball as though he never wants to see it again), the precision was all the more remarkable.

Courier won the first tie-break 7-4, with the assistance of Sampras's initial double fault, and the second 7-3 through his own excellence. His opponent did not earn a break point for almost two and a quarter hours but he seized it when it came, at 1-1 in the third set.

On the stroke of midnight, Courier broke to lead 3-2 with a typically ferocious forehand down the line and, serving at 4-3 and 40-15, he was five points away from a fourth successive semi-final. He was then betrayed by his own nerves, which induced cramp in his limbs.

"I was just trying to get the ball in the air without falling over," Courier said. He yielded the next four points and, later, with a wild smash, the fourth set. "I knew something special was happening out there, as early as the second set. We weren't missing anything."

Convinced that he had played no better here in 1992 and 1993, when he won the title, he could not recall a match of greater intensity. It took a heavy toll.

"I was serious [about postponing the final set]. He was



Courier, left, has a word with Sampras after their gripping match in the Australian Open yesterday

looking bad and I was feeling bad."

Through Paul McNamee, the new tournament director, Sampras confirmed that his "obvious discomfort" had been caused by his concern for his coach. Although he fulfilled his obligation to attend the press conference, he was still upset and close to breaking down.

That was one of the better matches I've ever taken part in," he managed to say. "I'm proud that I didn't quit, and to come through against one of the fitter guys on the tour means a lot to me. I hope I can recover from this experience."

He will not be spared another ordeal. Tomorrow, in the heat of the day, he is to tussle with the durable Chang. It promises to be a survival of the fittest. Sampras was treated to a cut foot and his compatriot, who beat Andrei Medvedev in a comparatively insignificant quarter-final, for "tightness in the legs".

The semi-final in the bottom half of the women's draw will pit Conchita Martinez, the Wimbledon champion, against Mary Pierce, the French Open runner-up. They knocked out Lindsay Davenport and Natasha Zvereva respectively.



Pierce overpowers Zvereva to reach the semi-finals

Seay inspires Chargers to seek triumph against odds

FROM ANDREW LONGMORE IN MIAMI

A MEDIA steamroller began to rumble towards the 35th Super Bowl yesterday, but it will need to gather more momentum if potentially the most one-sided Super Bowl in history is to deflect minds in the United States away from the other main event. The trial of O. J. Simpson.

The San Diego Chargers, the underdogs, feign nonchalance at their mongrel tag. They have worn it so long and for all the pedigree champions in the corner of the San Francisco 49ers, they do have on their side the one person capable of bringing a sense of perspective to all the talk.

Only Mark Seay, the Chargers' wide receiver, can point to the scars on his side and say that he knows the true meaning of survival. He is, though, happy to be the symbol of his team's fighting spirit. "This

team and what we have been through this season reminds me of everything that has happened in my life, all the ups and downs," he said, looking out across the Joe Robbie stadium, venue for the 29th Super Bowl, on Sunday.

Seay's life nearly ended on

October 30, 1988, when gunmen opened fire on his sister's apartment in Long Beach. Seay, a 21-year-old second-year student at Long Beach State University, was helping his sister with the children's Halloween party. As the shots began, everyone dove for cover, except for Tashwanda, Seay's three-year-old niece.

Instinctively, he threw himself down on the little girl, seconds before a bullet pierced his right kidney, grazed his lung and stopped a thumb nail away from his heart. Seay lost his kidney, but not his life or his dream, for all the gloomy predictions that he would never play again, of winning a Super Bowl ring. Yesterday, his dream was crystal-clear.

"My motivation comes from the basics of life," he said. "Everything in my life has happened for a reason, everything has come together to prepare me for this day." Seay's struggle for recognition did not end with his long, painful, recovery. His university, frightened that he might be liable for damages if Seay was injured again playing football, refused to reinstate him, and it was only when a kidney specialist gave his approval that Seay was welcomed back.

To add a twist to the tale, Seay spent his early professional career with the 49ers. He moved to the Chargers two years ago and was so frustrated by his lack of opportunities that he nearly gave up the game at the start of this season. After all he has suffered, might not being 19-point underdogs make him mad? "No, not mad. I look at these things with a spiritual eye. If I had looked at things through the human eye, I would never have got here. It's as I said: everything in life has a reason. By the end of the game on Sunday, you will understand what that reason is."

REGLATION
(b) Freezing together again, after having melted apart (as ice may do, when it is subjected to changing levels of temperature). "So Kathryn and Stuart are back together again, eh? Five years after their divorce. Are they going to have a regulation service?"

SOLUTION TO WINNING CHESS MOVE

1 Rg7+! Kxg7 2 Bh6+! and White forces mate either by 2... Kxf6: 3 Qh4+ Kg7; 4 Qh7, or 2... Kxg8: 3 Qxh8+ Rxf8; 4 Rxf8.

Wave money wand and Cup magic disappears

Magic. It is a quality as resistant to definition as it is unmistakable. It is also priceless. We can gather the fastest men on the planet and a hundred television cameras and call it The Showdown of the Century, but it won't have magic. Put the same men in the Olympic Games magic.

This indefinable quality rivets the country's and the world's attention. Wimbledon has the worst tennis of any grand slam; it is the No 1 event in the world because it has magic.

The Janmarians of our discontent are lighted by the sudden gathering of pace in domestic football: to the routine of league football come the FA Cup third and fourth rounds. The league is marriage long, rewarding, important. The Cup is a love affair: impossible, crazy, magical.

The Magic of the Cup... as old a cliché as sport itself. I bet when they wrote of propelling the orb into the rigging past the hapless custodian, they still wrote of Cup magic.

But it is becoming harder to do so. Magic is being squeezed out of the Cup, bit by bit. Changes have been imposed, one by one, many defensible, but their cumulative effect has been to remove the heart and soul of the competition. It is a lesson for sporting administrators across the world, an awful warning. The FA Cup: an awful lesson, but one that sport never learns, on the difference between the price of things and the value of things.

Increasingly, small clubs give up home advantage when drawn against big clubs. Bigger ground, more money, they say. Never mind tradition, the sloping pitch, the cramped ground, the wild, elusive prospect of upset. Talk instead of the "financial windfall". Win this one for me, lads, and I'll spend all the money on new players. Fact

there are only two clubs outside the top two divisions in the fourth round this weekend.

Cup games used all to kick off at three o'clock on a Saturday and the country would shake with two hours of concentrated Cup football. Now games straggle on. The fourth round this weekend

And then there is the sponsorship. Sound commercial sense. Is it? Will sponsors still queue up when magic is gone?

And then, penalties. This is betrayal. The penalty shoot-out has ruined football competitions across the world: the FA Cup did not need to capitulate. Oh, talk about modern football schedules, television programming, the needs of advertisers. Talk about whatever you like. It is not magic. It is not even football.

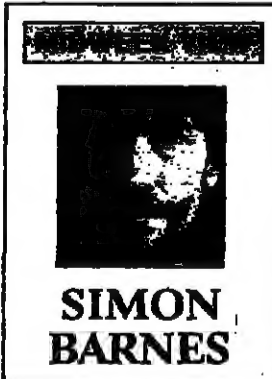
The tie that goes on and on that was part of Cup tradition. The second replay has gone. There was a famous Times headline: Method and Madness. Fail to Resolve a Protracted Dispute. They don't write 'em like that any more.

In the meantime, rugby union continues to hold the five nations' matches simultaneously, despite the pleas of television for a cash-maximising Saturday/Sunday format. Rugby's demented traditionalism is sane and long-sighted.

The five nations' has magic you never know what will destroy this strange and fragile thing. You only know when it has gone. And much of it has gone from the FA Cup.

You can't blame marketing and television people for wanting the quick quid, that is the nature of things. But it is a little-known fact of modern life that it is not compulsory to yield to temptation. Quick quids can turn out to be expensive. The FA Cup is now scarcely distinguishable from the League Cup, otherwise known as the whatever-the-thing-is-called-this-year cup. No magic.

Priceless? Some people believe there is no such word, but every person with sporting blood in the veins knows this is a desperate, wrong-headed and destructive view. What a shame, then, that sporting people don't administer sport.



SIMON BARNES

brings two games on Sunday, and one more on Monday. It brings money into the game, it allows more people to see them on telly. But magic drips away.

The semi-finals have become a weekend Wembley orgy rather than the two-hour high stakes poker game of a Saturday. I quite like this, actually, but in the context of all the other changes, it is destructive of magic.

Then there is the draw for the next round. It used to be done on the radio at Monday lunch-time with a weekend to relish the prospect. "Maybe we'll get United at home in the next round. We'll murder 'em." I have no idea when the draw is held now. That part of the ritual has been lost by tinkering with tradition.

Replays must now be held ten days after the first match. Momentum is lost, the plot dissipated. No continuity, no frenzied familiarity, no raising of the stakes with every individual duel on the pitch.

Another rent day dawns

Rent. Radio 4, 12.25pm.

When a sitcom series wins an award for the quality of its scripts, we are entitled to expect more of the same when it goes into a new run, as *Rent* does today. Episode one does not disappoint. Wisely I think, Lucy Flannery has not amended the formula that won her series. Writers Guild award for best radio comedy. Barbara Flynn and Patrick Barlow return to play the married couple and Toby Longworth and Vivienne Rochester are again their student lodgers. The jokes are not the sort that perch on top of the plot and kick their legs in the air; they rise organically out of the characters and out of the plot itself. *Rent* Brothers fans will enjoy today's bit of nonsense about a guinea pig.

The Tying Game. Radio 4 FM, 10.00am.

I would be playing the tying game myself if I told you that I was commending this programme on the strength of having heard it. A preview tape was not available. Leaving aside whether the agony aunt Irma Kurtz's two-part investigation is well done or not, I can at least tell you that what she will be exploring tonight and next week are attitudes to fibbing. Is lying ever justified? Even when the untruths are just little white lies? Kurtz has noted an impressive panel of experts on — not in — lying. They include the scientist whose research into deception in primates has led him to conclude that when apes lie, they do it knowingly. Peter Davall

RADIO 1

FM Stereo. 6.00am Bruno Brookes 6.30 Steve Wright 6.50 Simon Mayo 12.00 Lisa L'Amour, including 12.30 12.45pm Newsbeat, and at 1.15 The Net 2.00 Nicky Campbell 4.00 Mark Goodier, including The Amazing Spiderman 7.00 Evening Session 8.00 Bix from Last Week's Radio. Greg Proops presents this week's review 10.00 Mark Radcliffe, with music and conversation from Manchester 11.45 night Lynn Parsons

RADIO 2

FM Stereo. 6.00am Sarah Kennedy 6.15 Pause for Thought 7.30 Wake Up to Wigan 8.15 Pause for Thought 8.30 Martin, Kester 11.30 Jimmy Young 2.00pm Gloria Hunniford 3.30 Ed Stewart 5.00 John Dunn 7.00 Jim Lloyd with Folk on 2 with Scottish harpist Inga Henderson 8.00 WorldWide Concerts: Israel Lo of Senegal 8.30 Barber Shop Style (1/5) 9.00 Anita Baker's Across Two Cultures 9.30 Nigel Ogden's Greatest Entertainers 10.30 The Jamieson 12.00am Steve Madden 3.00-6.00 Alex Lester

RADIO 5 LIVE

5.00am Morning Reports 6.00 The Breakfast Programme with Peter Allen and Jane Garvey, including at 6.55am 7.00 Racing Preview 8.30 The Magazine with Diana Madh, including at 10.20 Euronews 11.15 Natural History 12.00 Midday with Mark, including at 12.45pm 1.15 Barclay with Moneycheck 2.00 Rascos on Five, with Sybil Ruscoe, including at 3.15 Prime Minister's Question Time 4.00 John Inverleith Nationwide 7.00 News Extra, including at 7.20 the day's sport in full 7.30 Tavis Brookings's Football Night 10.00 News talk with Jeremy Vine 11.00 Night Side, including at 11.45 The Financial World Tonight 12.00am Test Match Special: Australia v England

RADIO 3

6.55am Wither 7.00am Air Mozart (Serenade in D) Serenata Notturna 7.15 7.15-7.30 Pascal Ponsio: Pures (A) 7.30-7.45 Selection of songs, 3.45, 4.00, 4.15, 4.30, 4.45, 4.55, 5.05, 5.15, 5.25, 5.35, 5.45, 5.55, 6.05, 6.15, 6.25, 6.35, 6.45, 6.55, 7.05, 7.15, 7.25, 7.35, 7.45, 7.55, 8.05, 8.15, 8.25, 8.35, 8.45, 8.55, 9.05, 9.15, 9.25, 9.35, 9.45, 9.55, 10.05, 10.15, 10.25, 10.35, 10.45, 10.55, 11.05, 11.15, 11.25, 11.35, 11.45, 11.55, 12.05, 12.15, 12.25, 12.35, 12.45, 12.55, 1.05, 1.15, 1.25, 1.35, 1.45, 1.55, 2.05, 2.15, 2.25, 2.35, 2.45, 2.55, 3.05, 3.15, 3.25, 3.35, 3.45, 3.55, 4.05, 4.15, 4.25, 4.35, 4.45, 4.55, 5.05, 5.15, 5.25, 5.35, 5.45, 5.55, 6.05, 6.15, 6.25, 6.35, 6.45, 6.55, 7.05, 7.15, 7.25, 7.35, 7.45, 7.55, 8.05, 8.15, 8.25, 8.35, 8.45, 8.55, 9.05, 9.15, 9.25, 9.35, 9.45, 9.55, 10.05, 10.15, 10.25, 10.35, 10.45, 10.55, 11.05, 11.15, 11.25, 11.35, 11.45, 11.55, 12.05, 12.15, 12.25, 12.35, 12.45, 12.55, 1.05, 1.15, 1.25, 1.35, 1.45, 1.55, 2.05, 2.15, 2.25, 2.35, 2.45, 2.55, 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3.55, 4.05, 4.15, 4.25, 4.35, 4.45, 4.55, 5.05, 5.15, 5.25, 5.35, 5.45, 5.55, 6.05, 6.15,

Disillusioned by a close-up view of a hero

Now and again a programme comes along and gives you a real jolt. Not necessarily because it is good, but because it is simply not what you had been expecting. Last night's Network: First: The African who Saved the Animals (TV) was such a programme.

You see, I had been expecting to like Richard Leakey, the Kenyan conservationist. Or, failing that, at least to admire him. After all, the African edition of *1066 and All That* definitely has Leakey down as a "good thing". He is kind to animals (particularly elephants), he has successfully followed in the family business of fossil hunting and he has shown tremendous bravery after losing both his lower legs in a plane crash. Thus, he was, bravely scrambling over the African bush on his artificial pines, how could one fail to warm to him? And yet fail I did.

For a long time I blamed Sandy

Gail's obsequious narration, which was right up there with Barry Norman meets Tom Cruise. Having written it as well, Gail must take full blame for lines such as: "For one particularly difficult task, Meave has tempted back into the field the world's most famous fossil hunter — her husband, *Leaky*," or "one again, the *Leakys* will be able to dazzle the world with a new chapter in the story of the ape who stood as it became human." It was as if television war correspondent *Leaky* had got stuck in an hour-long "And finally..." — all objectives had been suspended.


Or it had been until part three, when director Nick Gray finally made a start on redressing the imbalance. Until then, the lone dissenting voice had been that of the local government minister who, baldly described: *Leaky* as "a bully" — he tends to trample on everyone else. Like a bull elephant,

Out immediately to Leakey's moving-resignation speech: "I have given the best years of my life to public service. I recently gave my legs as well." It's difficult to counter lines like that.

So it was only belatedly—far too belatedly—that the programme got round to clearing charges that Leakey was both arrogant and racist, and to repudiating not just his political judgment, but even the value of his hitherto acclaimed conservation work with elephants. Support of a qualified kind came from his brother, Philip. "I don't think Richard is a racist. Arrogant, yes." Fraternal relations were clearly strained, despite the fact that Philip donated a life-saving kidney to his brother: "It was probably the only thing he wanted in the world."

But perhaps the most damning comments came from David West-

REVIEW



Matthew Bond

ern. Leakey's successor as director of the Kenyan Wildlife Service. "I have inherited chaos: Wildlife is destroying crops and killing people every single day of the week." We left Leakey surrounded by his beloved elephants, animals that his critics now say he did too good a job of protecting. "The more I see, the more persuaded I am that we cannot keep on treating elephants as beasts." I still didn't like

him, but I was beginning to feel a little sorry for him.

By contrast, I am increasingly warming to Kavanagh QG (ITV), which signed off with its strongest episode to date, thanks to the absence of the already clichéd last-minute twist and to a wonderful performance from Anastasia Hill as Annie Lewis, the tart with no heart.

Man-hater, Annie undoubtedly said: "He was a bastard, one more pig at the trough" but man-killer? She said not and Kavanagh (John Thaw), who seems to have a touching faith in everything his clients tell him, believed her. True, there were one or two inconsistencies, such as how a woman who could run philosophical rings around her lawyers could ever be seen saying anything to her former husband, Des. But then, as she told Kavanagh: "I've always been a lousy judge of character."

With a second series under discussion, Kavanagh's complex family life has also been developed well, particularly the relationship with his teenage children Kate and Matt, nicely played by Daisy Bates and Tom Brodie.

Kavanagh's colleagues have been served a great deal less well by the scriptwriters. Jeremy (Nicholas Jones) has swung from selfishness to amiability with disturbing unpredictability, while as Julia Piper, Anna Chancellor has been given little more to do than bring the occasional lecherous glint to the eye of some passing male. If a new series is commissioned, both deserve better.

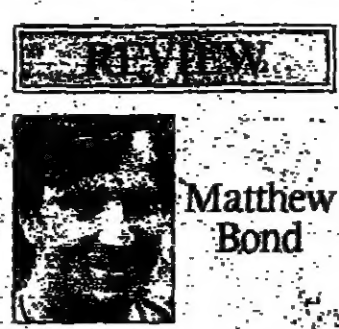
Similar sentiments must cross the minds of Peter Davison and Nicholas Lyndhurst, who already wade their way through the mire of *Ain't Misbehavin'* (BBC 1). Of the two, Peter sets marginally the

better draw as Sonia Drysdale, a forceful woman determined to hold on to her home and, if necessary, her philandering husband. By contrast, Davidson's Clive Quigley is so wet you could windurst on him.

With few — all right, no — laughs left in the basic plot (their respective partners are having an affair), writer Roy Clarke is following the more familiar descent into sexual immundo. What is interesting/worrying is just how far you have to/sre allowed to descend these days. Last night's episode, for instance, featured the second joke about oral sex in a BBC sitcom in two days. The first — "splinter in your tongue, Victor?" — came in the post-water-shed, and sadly, the post-humorous. *One Foot in the Grave*. Last night's wet out at 8.30pm. Now the rain quig behaviour', Mr Clarke.

Lynda Truss is on holiday

Lynne Truss is on holiday



Matthew Bond



Elton Gurnell travels back in time /CA. 4.00pm




... **Forbes and Schofield pick a number (7.00pm)**



Sandra Maitland and Anna Friel (8.00pm)

BBC1

5.00 **Business Breakfast** (27/0385)
5.00 **BBC Breakfast News** (16194800)
5.05 **Kilroy**. Topical debate (s) (8532486)
5.00 **News** (Ceefax), regional news and weather (1410816) 10.05 **Good Morning with Anne and Nick**. Weekly magazine (s) (8578289)
5.20 **News** (Ceefax), regional news and weather (7935564) 12.05 **Pebble Mill** (s) (3069729) 12.55 **Regional News and weather** (76344293)
1.00 **One O'Clock News** (Ceefax) and weather (55516)
1.30 **Neighbours** (Ceefax) (s) (91061822) 1.50 **Timespeakers with Bill Dod** (s) (91002038)



Outlaws Ben Murphy and Pete Dinklage (2.15pm)

2.15 **Alas Smith and Jones**. Lighthearted western adventures starring Pete Dinklage and Ben Murphy (s) (5111695)
3.05 **NEW** **Glynis**. Christian's *Entertaining* magazine. How the microwave can be used to produce three-course dinner in a matter of minutes (8790498)
3.20 **NEW** **Brilliant Gardens with Rula Jebrael** (8279380)
3.30 **Liteline**. Tom Conti speaks on behalf of *Motivation* (s). (Ceefax) (s) (8221390)
3.45 **Stick as a Parrot** (s) (8226835) 4.00 **Jackpot**. The first part of *Chocolate-Covered Apples* (s) (6147293) 4.10 **Potential** and Co (s) (61919783) 4.35 **The Really Wild Show** (Ceefax) (s) (4207292)
5.00 **Newsround** (9137816) 5.10 **Elkay** (Ceefax) (s) (1182900)
5.35 **Neighbours** (s). (Ceefax) (s) (37827A)
5.50 **5.30 O'Clock News** (Ceefax) and weather (641)
5.30 **Regional News Magazines** (293)
5.50 **This Is Your Life**. Michael Aspel with a potted biography of another unsuspecting witness. (Ceefax) (s) (7030)
5.50 **The Up**. Comedy sides starring Dennis Waterman as a self-made millionaire (s). (Ceefax) (s) (477) **Wales: Winter in Wales**
6.00 **How Do They Do That?** Desmond Lynam and Jerry Hull with more examples of human endeavour. (Ceefax) (s) (802632)
6.45 **Points of View**. (Ceefax) (477729)
6.00 **Nine O'Clock News** (Ceefax), regional news and weather (5477)
9.30 **NEW** **The Private Life of Plants: Flowering** (Ceefax) (s) (893584)
9.20 **Spotlight**. Desmond Lynam, with Alan Hansen, presents highlights from one of tonight's top games in the FA Carling Premiership. These include Crystal Palace v Manchester United and Aston Villa v Spurs (s) (5138212)
1.40 **FILM: Patton - Lust for Glory** (1970). The conclusion of the highly acclaimed story of General George S. Patton. Starring George C. Scott who won an Oscar for his portrayal of the renegade general. Scott must be liberated, but Patton's treatment of one of his soldiers leads to the eventual loss of his command. Directed by Franklin J. Schaffner. (Ceefax) (356106)
1.10 **Weather** (8908171)

BBC2

7.00am **The Adventures of Buzzy Bee and Friends** (b) (6440118) 7.05 **The Family News** (b) (4431)
7.10 **Prince Valiant** (b) (Castro) (b) (8790545)
Uncredible Ideas (b) (Castro) (b) (1928545)
8.05 **Breakfast News** (Castro and signing) (86260)
8.15 **The Record** (Castro) (7726309)
8.35 **Consuming Passions** Lunch chicken
(7258381) 8.40 **The Time of Your Life** Car
series on people who do not see age as a barrier
the pursuit of adventure (4880125)
9.00 **Daytime on Two** Educational programmes, 1
for children, 10.00-10.25 Playdays (4514039)
You and Me (8780106) 2.00 **The GreedySax**
Gang (61205212) 2.05 **Spider** (61204583)
2.10 **Songs of Praise from Lancaster Priory** (b) (Castro)
(b) (8539123) 2.45 **Myths and Legends** G
Rice continues his exploration of England's folk
stories (b) (7833556)
3.00 **News** (Castro) and weather followed
Westminster with **Mark Ross** (7809011)
News (Castro) and weather (5068915)
4.00 **Today's the Day** Recent history quiz (b) (108)
4.30 **Rascally, Starchy Cook** (b) (880)
5.00 **Play It Again** Paul Jones introduces a
collection of musical acts (b) (5486)
5.30 **All in the Mind** Lateral-thinking quiz (b) (670)
6.00 **Star Trek: The Next Generation** Patrick S
and his crew boldly go where no person has
before. (Castro) (b) (273458)


Sooner legend **George Best** (8.45pm)


6.45 **Natural Born Footballers** George Best
about the game that made him a national h
(Castro) (b) (862941)
7.00 **The World at War: Genocide** (Castro)
(8999)
8.00 **Riders around Britain** (b) (Castro) (b) (4380)
9.00 **University Challenge** Keeble College, Col
Edinburgh University (Castro) (b) (4877)
9.00 **FILM: Island Hells** (1990) starring Corin Bern
and Jerry Lewis. Based on the true story of Ku
Klan opponent **Monty Doss** and his determination
halt the Klan's plans to bring down the governme
Directed by John Korty. (Castro) (4748)
10.30 **Newsnight** (Castro) (448456)
11.15 **The Late Show** (b) (374724)
11.55 **Weather** (773165)
12.00 **News followed by The Midnight Hour** Tr
Phillips reviews the day in Parliament (58625)
Ends at 12.55am
4.00-4.15 **BBC Select: Benefits Agency To**
(40657662)

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Dispatches
Channel 4, 9.00pm

The current affairs show offers a new and more single on an old topic, the pollution of British rivers. Everybody knows about the health risk posed by untreated sewage being pumped straight in. The Government has put the problem of bacteria. Taking its cue from a 14-month study by Dr Stephen Mymt, a virologist from L University, the programme suggests that we should more concerned about viruses. Not only do they live in sea water in their tens of thousands but are harder than bacteria and survive longer. A woman who went swimming in South Wales paralysed from the waste down. But water can maintain that the evidence is insubstantial.



Clive Gurnell travels back in time (CA, 4.00pm)

Journeys
Channel 4, 4.00pm

The amiable Clive Gurnell slips on his anorak and continues his tour of the more agreeable southern England. The charm of the series is that it escapes the problems and frustrations of the day world. Marlborough may be choked with traffic, Gurnell is not bothered. He sensibly visits the town of his other life to escape the present and go back into the past. A chat with a man who paid a visit to the history lesson as we learn the of such curious combinations as the lamb and the. There is more time-travelling in Saverne and. Clive Gurnell finds himself among 250-year-olds and just happens to come across a Victorian coach pulled by four white horses.

The Private Life of Plants
BBC1, 9.30pm

With his usual sense of the theatrical, demonstrating that there is more than one act family, Sir David Attenborough opens his bonny lesson by walking through a field and savoring the life. The great naturalist is also a good sufferer which has nothing to do with programme except that it introduces the sun, pollen and reproduction. The photography, astonishing as the budget must be generous, have we stopped admiring grasses in Nepal, off to Australia and South Africa. Horns Zealand and Madagascar. Much of the film must be about sex. Mercilessly exposed by the camera, life of plants is private no longer.

The World At War
BBC2, 7.00pm

Part 20 of the mastery history of the Second World War is called, simply, *Genocide*, and tells the the Nazi death camps. With television, not least the making of the 50th anniversary of the liberation, a film made more than 20 years ago lost none of its relevance. On the contrary, it more holds its own with anything that has been shown past few weeks. Peter Barry, who wrote and of the film, uses the standard documentary form, intercutting the archive film but the orthodox format in no way diminishes the impact of the. Many of the images are harrowing but the permanent reminder of one of the worst instances of 20th-century barbarism. Peter W.

CARLTON

8.00am GMTV (3166699)

9.25 Chain Letters. Word game (464)

London Today (Teletext) and weather

10.00 The Time... The Place (s) 19920380

10.35 This Morning (32968293) 12.20p

Today (Teletext) and weather (766974)

12.30 News (Teletext) and weather (7328106)

12.55 Coronation Street (r). (Teletext) (73)

Home and Away (Teletext) (3479109)

1.58 Capital Woman (s) (54041354) 2.25

Practise (s) (17735564)

2.50 Blue Heelers (5751125) 3.20 ITN (r)

(Teletext) (5320495) 3.25 London Today

and weather (5269767)

3.30 Alphabet Castle (s) (5232496) 3.40 W

(s) (7856895) 3.50 Scooby Doo (43)

Reboot (s) (4181274) 4.40 The Tomorrow

(Teletext) (3418767)

5.10 After 5 (Teletext) (6524952). Follow

Missing File

5.40 ITN Early Evening News (Teletext)


(636108)

5.55 Your Show. Members of the public at

(540816)

6.00 Home and Away (r). (Teletext) (309)

6.30 London Tonight. (Teletext) (3671)



Forbes and Schofield pick a number

7.00 Talking Telephone Numbers presents

Schofield and Emma Forbes, with gu

Cricket, Unrubbia Brothers and Zoots as

(s) (9456)

7.30 Coronation Street. (Teletext) (545)

8.00 Des O'Connor Tonight. The guests in

Newton John, Elie MacPherson, Crai

and Les Locos (s) (9545)

9.00 Taggart: Prayer for the Dead. The fin

the murder mystery. With Mark McMe

his last appearance in the title role. (

(9309)

10.00 News at Ten (Teletext) and weather (2

10.30 London Tonight (Teletext) and weather

10.40 FILM: Big Trouble in Little China (19

Kurt Russell and Kim Cattrall. Action

about an American truck driver who runs

the most powerful sorcerer in San

Chinatown. Directed by John Carpenter.

12.00am Allen Dalton. George and Sikes in

death of a prostitute (s) (2000317)

1.35 Hollywood Reports with Richard Jobs

Kozmovich (s) (9007328)

2.05 The Best (s) (5405030)

3.00 The Album Show. Music from the

artists and their best-selling albums (s)

4.05 Donahue discusses the first sex study

since the Kinsey Report which asks the

question as "Does one's formal educat

one's sex life?" (4369978)

4.55 The Time... The Place with John Ste

(2077862)

5.30 ITN Morning News (94626). Ends at 6

CHANNEL 4

6.35 **Once Upon A Time — Lite.** An exploring the human body (867274)

7.00 **The Big Breakfast** (96019)

9.00 **You Bet Your Life** (s) (82990)

9.30 **Schools: Living and Growing** (870) **Write and Read** (872112) 10.15 **Science** (5955496) 10.18 **Mind You** (5934983) 10.40 **Living with Techno** 10.55 **Film and Video Showcase II** 11.00 **Encyclopedia Galactica** (73815) 11.15 **Music Show** (9670944) 11.30 (9655854) 11.45 **First Edition** (9655854)

12.00 **House To House** (27854)

12.30 **Sesame Street** with guest Jodie Foweraker

1.30 **Take Five with The Mr Men, Funnies, Rovers, Jolly Bear and Ivor** (42831)

2.00 **Speaking From America.** The tech when making transatlantic telephone calls 1930s (41203729)

2.10 **FILM: Whizlie** (1986) starring M. Bimby and David Morse. A made-for-TV life drama about a woman who, for decades in an low mental institution, lives in the real world. Directed (Teletext) (399534)

4.00 **[REDACTED] Journeyman.** (Teletext) (274)

4.30 **Countdown.** (Teletext) (s) (458)

5.00 **Ricki Lake.** A discussion on whether a put-off to the opposite sex. (Teletext) (s) (458)

5.50 **Terraviva** (553767)

6.00 **The Crystal Maze** (s). (Teletext) (s) (458)

7.00 **Channel 4 News** (Teletext) and (458)

7.50 **The Stool.** Viewer access series (44)



Sandra Mahtand and Anna Friel

8.00 **Bloodline.** Mandy (Sandra Mahtand) and Anna Friel are concerned that their love will be discovered. (Teletext) (s) (674)

8.30 **Travelog.** Reports from the Lebanon and Israel. (Teletext) (s) (6532)

9.00 **[REDACTED] Dispatches.** (Teletext) (537900)

9.45 **Snapshots.** Malcolm Bradbury, academic, traces his family's Maclesfield, Cheshire, (s). (Teletext) (537900)


10.00 **FILM: Blood Oath** (1990) starring Jacki-Brown. A drama about an Australian woman who brings to justice the Japanese officer responsible for the deaths of 300 Australian troops in 1945. Directed by Stephen W. Lee (53044512)

12.05 **Sarah Morrissey** (s) (1479688)

12.35 **LA Live.** Courtroom drama series (s) (8550161)

1.30 **The Jazz Apple** (s) (8550161)

2.35 **FILM: Gabriel Over the White Horse** starring William Hutt and Françoise Fabrice. A drama about a crusader for justice and truth and his experiences. Directed by Gregor (1072404). Ends at 4.05

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VARIATIONS

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 News (16:18) 9:25am-12:30 Anglia
 News (795749) 1.55 A Country Practice
 (91096477) 3.25 Gardening Time
 (91772545) 2.50-3.20 Blockbusters
 (7971229) 3.25-3.50
 and Weather (8288767) 3.10-5:40 *Shored*
House (8284982) 6:05-7:40 *Anglia WI*
 News (825039) 10:30-10:40 *Shadow of a*
UK (10008749) 12:30am
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Duchannes (7156767) 8.00 Time 123019
Boomerang (7168941) 10.30 When the Boat
Comes In (7553274) 11.30 No Place Like
Home (7053652) 12.00 The House (7055456)
(7166593) 12.30 Negroes (7521231)
1.00 EastEnders (7215263) 3.00 The Bill
(5211632) 8.00 News (The House (7055456)
2.00 Crown Street (7079454) 3.00 Knight
Landings (7072651) 4.00 Dales (7069458)
5.00 Every Second (7072651) 6.00
Captain Jack (7541218) 8.35 Porridge
(7326361) 9.00 EastEnders (7348454) 7.00
The House (7055456) 7.30 The House
House (7300028) 8.00 Going South
(2595339) 8.30 Carry On TV Specials
(7535335) 9.00 (7322652) 10.00 The Bill
7.00 (7165277) 10.30 The House (7055456)
11.15 The Ki Carner Road (7348116)
11.45 The Ki Carner Road (7348116)
12.15 FM: Mixed Love (1955) House (7445757)
2.00 Shopping at Night (7323361)

THE CHILDREN'S CHANNEL

8.00am Separate Street (6972050) 8.55
Cartoon (7319533) 7.25 Seal the Can
(7122260) 8.25 Super Mario Bros
(5184361) 8.55 Rugs Mania Brothers
(5047408) 9.45 Capers (3251003) 9.00
Cartoon (7319533) 7.25 Seal the Can
Time (13305) 11.00 Christopher Cockle
(30345) 12.00 Garfield (40589) 12.30am
Seal the Can (55123) 1.00 Beverly Hills Teens
(5047408) 1.30 Super Mario Bros
(74123895) 1.54 Baby Fools (8252000)
2.00 Racer (3554) 2.30 Racer (3515) 3.00
Casper (454309) 3.15 Wheel's Wally
(454309) 3.45 Wheel's Wally (454309)
4.00 Head (50000) 4.30-5.00 California
Dreams (8072)

NICKELODEON

7.00am Nicktoons (7145459) 7.15 Fire
Nicktoons (547177) 7.45 Nicktoons (547458)
8.15 Duo (464575) 8.45 Nicktoons
(324729) 9.00 Nick Jr (340326) 12.00 Peo-
ple's Choice (75583) 1.00 Fire
Show (23205) 1.00 Galaxy High School
(50205) 1.30 Banana Sundae (11389) 2.00
Dinner (5458) 2.30 Snuggles (5274) 3.00
Fairy Tales (5458) 3.30 Snuggles (5274)
Maurit Turner (2019) 4.00 Duo (7594) 4.30
Snuggles (6035) 5.00 Cosmos Express (414)
(3008) 5.30 The Secret World of Alex Mack
(5458) 6.00 Jimmy (7004) 6.30-7.00
Doodle (1652)

DISCOVERY

9.00am Tidal Waters (735176) 9.30 Wild
World (725363) 10.00 The Nature
(505947) 5.30 Time X (737445) 6.05
Beyond 2.00 (510407) 7.00 Producers

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10 Aveale on the
 11 Jingo (240125)
 12 Greatest Hits
 13 on Mkt. (820254)
 14 3.45 Cerebrals
 15 (22323) 4.15 3 from
 16 MTV (2308) 5.00
 17 7.00 Greatest Hits
 18 (47854) 8.30
 19 0719 10.00 Report
 20 (226125) 10.30
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 29 Ten of the Best
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 31 3803) 8.00 Prime
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 35 (550570) 12.00 The
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 40 on 5.00 Saturday
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 45 share Sheran He
 46 58) 1.00pm Hand
 47 101010) 4.00 New
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 49 mishi Rex (1832)
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 51 yeard (1583) 7.00
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 62 11831) (27931080)
 63 940) (5420854)
 64 111172453) 1.25am
 65 1943) (88656572)
 66 1st-Winning Short

BY STUART JONES, TENNIS CORRESPONDENT

PALESTINE COURT

BY OUR SPORTS STAFF

BY OUR SPORTS STAFF

No 378

SOLUTION TO NO 377

Solution, page 46
and Keene, page 7

By Philip Howard

- GRAPHOLAGNIA**
a. A type of brown coal
c. A heraldic breastplate
c. Love of dirty pictures
- REGELATION**
a. A midnight feast
b. Refreezing
c. An audit or inspection

ANSWERS ON PAGE 4

WEST LANCASHIRE